
STATUTES OF CALIFORNIA
REGULAR SESSION
1970

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Passed at the 1970 Regular Session of the Legislature

CHAPTER 1

An act to validate the Pasadena Area Junior College District maximum tax rate election of October 21, 1969, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 19, 1970. Filed with Secretary of State January 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that special and unique facts and circumstances exist in connection with the maximum tax rate election conducted by and within the Pasadena Area Junior College District on October 21, 1969, pursuant to Section 20803 and other provisions of the Education Code, at which an increase in the maximum rate of school district tax was approved by the electors of the district, and that these facts and circumstances are such as to justify the enactment of a special or local statute rather than a statute of general applicability to establish definitely the maximum rate at which taxes for the support of the district are to be levied and collected upon taxable property within the district.

While the proposal formulated by the governing board of the district, as well as the ballot arguments and the other publications made and publicity given in connection with the election, specified that the proposition to be voted upon was whether or not the maximum rate of tax was to be increased from 58 cents to 75 cents per \$100 of assessed valuation of property, the proposal, as expressed on the election ballot, was ambiguous in form. The proposal was there expressed without reference to an assessed valuation base as one to increase the maximum rate "from .5800¢ to .7500¢."

The Legislature has determined that the electors of the Pasadena Area Junior College District were not in fact misled by the ambiguous expression of the tax rate proposal on the election ballot.

SEC. 2. The proposal presented to the electors of the Pasadena Area Junior College District at the maximum tax rate election conducted on October 21, 1969, shall be deemed to have been a proposal for the increase of the maximum rate of school district tax from fifty-eight cents (\$.58) to seventy-five cents (\$.75) on each one hundred dollars (\$100) of as-

essed valuation of property within the district. The maximum rate of school district tax applicable in the Pasadena Area Junior College District is seventy-five cents (\$0.75) for each one hundred dollars (\$100) of assessed valuation of taxable property within the district. Such rate shall be deemed to have been the rate approved by the electors of the district at the maximum tax rate election held on October 21, 1969, and shall continue in effect and shall be subject to such other terms and conditions as specified in the proposal formulated by the governing board and presented to the electors of the district at that election.

The maximum tax rate election of October 21, 1969, held in the Pasadena Area Junior College District is otherwise hereby ratified, confirmed, validated and declared to be legally effective for all purposes.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health, and safety of the citizens of the state require the orderly and unhampered functioning of public bodies such as the Pasadena Area Junior College District and such functioning depends upon the validity of proceedings such as the district's maximum tax rate election of October 21, 1969. An ambiguity in the ballot proposition presented to the district electorate at the election, which in no way misled the voters, has, nevertheless, raised a legal question, and in order that the district may proceed with budget planning for the 1970-1971 fiscal year without fear of legal attack, it is necessary that this act take effect immediately.

CHAPTER 2

An act to amend Section 9 of Chapter 1544 of the Statutes of 1969, relating to the University of California Health Science Facilities Construction Program Bond Act of 1969, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1970. Filed with
Secretary of State February 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9 of Chapter 1544 of the Statutes of 1969 is amended to read:

Sec. 9. The bonds authorized by this act shall be prepared, executed, issued, sold, paid and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code), and all of the provisions of said law are ap-

plicable to said bonds and to this act and are hereby incorporated in this act as though set forth in full herein.

If Resolution Chapter 299 (Senate Constitutional Amendment No. 26) of the Statutes of 1969 is approved by the electors, the provisions thereof shall be applicable to bonds authorized by this act.

SEC. 1.5. The amendment effected by this act shall be incorporated in Chapter 1544, Statutes of 1969 when that measure is submitted to the voters on June 2, 1970. Within five days after the effective date of this act, the authors of ballot arguments on Chapter 1544 of the Statutes of 1969 shall, if necessary, revise such arguments to reflect the provisions of this act. The Legislative Counsel and the Attorney General, within such five-day period, shall revise their ballot pamphlet analyses and ballot title, respectively, to reflect the provisions of this act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure that this amendment of the University of California Health Science Facilities Construction Program Bond Act of 1969 will become effective prior to the special election to be held on June 2, 1970, at which election said bond act will be submitted to the people for approval, it is necessary that this act go into immediate effect.

CHAPTER 3

An act relating to conflicts of interest, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 18, 1970 Filed with
Secretary of State February 18, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, a candidate required to file a financial disclosure statement pursuant to Section 3702 of the Government Code, may file such a statement up to and including April 6, 1970 without violating the provisions of Chapter 2 (commencing with Section 3700), Division 4.5, Title 1 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the provisions of Section 3702 of the Government Code certain candidates for office are required to disclose ex-

tensive financial data within 10 days after they file for office. This date is rapidly approaching and due to the comprehensive nature of the financial disclosure law and uncertainty regarding its application these candidates must have additional time in which to prepare their financial disclosure statements.

CHAPTER 4

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1970. Filed with
Secretary of State February 27, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.

Community service districts.

Conservancy districts.

County boards of education.

County drainage districts.

County fire protection districts.

County maintenance districts.

County power pumping districts.

County sanitation districts.

County service area improvement areas.

County service areas.

County sewerage and water districts.

County water agencies.

County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting
under and pursuant to Part 3 (commencing with Section
11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts.
Housing authorities.
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.
Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.

Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have

been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance

with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the First Validating Act of 1970.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 5

An act to authorize cities to refund excess taxes levied on property by reason of the fixing of tax rates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1970. Filed with Secretary of State February 27, 1970.]

The people of the State of California do enact as follows:

SECTION 1. (a) If the legislative body of any city has failed to make the election provided for in Section 13908 of the Health and Safety Code but included an item in the city's

annual operating budget for the 1969-1970 fiscal year for fire protection and has included such item within its tax levy for such year, the legislative body may, by ordinance, appropriate from any funds available for such purpose a sum sufficient to refund to taxpayers who have paid one or both installments of tax an amount equal to the amount of taxes attributable to such item for the 1969-1970 fiscal year, plus any penalties and interest paid which are attributable to the tax imposed for such item.

(b) If an ordinance is adopted pursuant to subdivision (a) of this section, the legislative body of the city shall contract, on such terms as the parties may agree, with the county which assesses and collects the city's taxes to reduce the rate of the city's tax for the first installment on tax delinquent property on the secured roll and for the second installment on property on the secured roll in an amount equal to the amount of city taxes attributable to the budgetary item described in subdivision (a). Interest and penalties attributable to the tax to finance such item on such property shall be canceled. The ordinance shall specify the amount of the rate reduction and the contract shall provide that the city shall be liable for the reasonable costs incurred by the county pursuant to this subdivision.

(c) If an ordinance is adopted pursuant to subdivision (a) of this section, it shall provide for the time and manner in which the refunds shall be made. Such refunds shall be made to the person who paid the tax or to his guardian, executor, or administrator. As used in this subdivision, "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

SEC. 2. (a) In lieu of adopting the ordinance authorized by Section 1 of this act, if the legislative body determines that a tax has been imposed on property within the city to finance the budgetary item described in Section 1, it may, by ordinance, appropriate from any funds available for such purpose a sum sufficient to refund to taxpayers an amount equal to the total amount of taxes attributable to such item for the 1969-1970 fiscal year, plus any penalties and interest paid which are attributable to the tax imposed for such item.

(b) If an ordinance is adopted pursuant to subdivision (a) of this section, it shall specify the amount of tax rate reduction and shall provide for the time and manner in which the refunds shall be made. Such refunds shall be made to the person who paid the tax or to his guardian, executor, or administrator. As used in this subdivision, "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

(c) If an ordinance is adopted pursuant to subdivision (a) of this section, a county, as soon as is practicable following

receipt of the certified copy of such ordinance described in Section 3 of this act, shall reduce the rate of the city's tax on tax delinquent property on the secured roll in an amount equal to the amount of city taxes attributable to the budgetary item described in Section 1. Interest and penalties attributable to the tax to finance such item on such property shall be canceled.

SEC. 3. As soon as is practicable after the adoption of an ordinance pursuant to Section 1 or 2 of this act, the clerk of the legislative body of the city shall transmit a certified copy of the ordinance to the county which assesses and collects the city's taxes. The county auditor shall adjust the rate of tax on property within the city on the unsecured roll for the 1970-1971 fiscal year in an amount which reflects the amount attributable to the budgetary item described in Section 1 for the 1969-1970 fiscal year.

SEC. 4. The legislative body of a city adopting an ordinance pursuant to this act may provide that the ordinance shall take effect immediately.

SEC. 5. This act shall remain in effect until the 61st day after the final adjournment of the 1971 Regular Session of the Legislature, and shall have no force or effect on or after that date.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature finds that at least one city in California was recently annexed to a fire protection district and the city initially agreed with the district for the years 1967-1968 and 1968-1969 to pay from its general funds to the district a sum to compensate the district for a pro rata share of the amount of revenue the district would have received if property within the city had been on the district's tax rolls. For the 1969-1970 fiscal year, the county which levies and collects taxes for the fire protection district included the property within the city on the district's tax rolls and levied the district's tax on such property since the city did not make an election as provided in Section 13908 of the Health and Safety Code. The city, not realizing that an election was required for the year 1969-1970, also included the item in its annual 1969-1970 operating budget to fund this particular service and this amount is reflected in the city's general tax rate. Thus, property owners in the city are being called upon to pay twice in the same fiscal year for fire protection service. It is necessary that this act go into immediate effect to provide a remedy for this type of situation for all cities similarly situated.

CHAPTER 6

An act to establish procedures for the assessment of open-space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1970. Filed with Secretary of State February 27, 1970]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Section 423 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1970-1971 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 15, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open-space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1970. As a result, some individuals now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the proper valuation of such property for tax purposes. In so doing, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 7

An act to amend Section 6412 of the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 27, 1970. Filed with Secretary of State February 27, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6412 of the Financial Code is amended to read:

6412. No gift or premium shall be given by an association as an inducement to investment in its shares or investment certificates where the cost of such gift or premium is in excess

of three dollars and fifty cents (\$3.50), provided that the commissioner may, by regulation, increase such limitation. The commissioner may exercise such authority only if, and to the extent that, federally chartered associations doing business in this state are permitted to exceed such limitation by federal law or regulation.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Federal agencies with jurisdiction to regulate the monetary value of premiums payable to depositors by savings and loan associations have determined to raise the permissible monetary value of such premiums beyond the amount now permitted by law to be paid to depositors by state-chartered savings and loan associations. It is contemplated that the effective date of such change will be approximately March 1, 1970. Unless this action is made effective immediately and operative as of this time, depositors in state-chartered savings and loan associations in California may be deprived of the opportunity to receive premiums on the same basis as depositors in federal savings and loan associations in California and elsewhere.

CHAPTER 8

An act to amend Section 7262 of the Revenue and Taxation Code, relating to district use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 3, 1970 Filed with
Secretary of State March 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7262 of the Revenue and Taxation Code is amended to read:

7262. The use tax portion of any transactions and use tax ordinance adopted under this part shall impose a complementary tax upon the storage, use or other consumption in the district of tangible personal property purchased from any retailer for storage, use or other consumption in the district. Such tax shall be at a rate of one-half of 1 percent of the sales price of the property whose storage, use or other consumption is subject to the tax, and the ordinance shall include provisions in substance as follows:

(a) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, excepting Section 6376, insofar as they relate to use taxes and are not inconsistent with this part, except that the name of the district as the taxing agency shall be substituted for that of the state.

The name of the district shall be substituted for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 and in the definition of that phrase.

An additional provision shall be included that a retailer engaged in business in the district shall not be required to collect use tax from the purchaser of tangible personal property unless the retailer ships or delivers the property into the district or participates within the district in making the sale of the property, including, but not limited to soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the district or through any representative, agent, canvasser, solicitor, subsidiary or person in the district under authority of the retailer.

(b) A provision that all amendments subsequent to the effective date of this part to the provisions of Part 1 (commencing with Section 6001) of this division relating to the use tax and not inconsistent with this part shall automatically become a part of the ordinance; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by the district's board.

(c) A provision that the amount subject to tax shall not include the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state-administered transactions or use tax.

(d) A provision that the storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use taxes ordinance shall be exempt from the tax.

(e) A provision that the storage or use of tangible personal property in the transportation or transmission of persons, property, or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California shall be exempt from the tax.

(f) A provision that the storage, use, or other consumption in the district of tangible personal property is exempt from tax if purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance. The possession of, or the exercise of any right or power over, tangible personal property under a lease which is a continuing purchase of such property is exempt from tax for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of the ordinance. For the purposes of this subdivision, storage, use, or other consumption, or possession, or exercise of any right or power over, tangible personal property shall be deemed not to be obli-

gated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide for needed changes in district use taxes prior to the time that the use tax ordinances of the San Francisco Bay Area Rapid Transit District and the Southern California Rapid Transit District become operative, it is necessary that this act go into immediate effect.

CHAPTER 9

An act to amend Section 24001 of the Government Code, relating to adult probation officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 3, 1970. Filed with
Secretary of State March 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24001 of the Government Code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing with Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer be an elector of the county.

The board of supervisors or any other legally constituted appointing authority in a county that is consolidated with a city may, if it finds that the best interests of the county will be served, waive the requirements of this section for an appointment to the office of chief juvenile probation officer or chief

adult probation officer that the appointee be a citizen of the state and an elector of the county.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The position of adult probation officer in San Francisco will be vacated effective March 1, 1970.

CHAPTER 10

An act relating to the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1970. Filed with
Secretary of State March 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The unexpended balance of the appropriation made by Section 1 of Chapter 52 of the Statutes of 1969 shall be available for expenditure by the Department of Finance for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5, Government Code) for damage or destruction to public real property, other than the repair, restoration, or replacement of streets, roads, and bridges, by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, which occurred between December 1, 1969, and July 1, 1970; provided that the local agency has applied to the Department of Finance for an allocation of funds on or before July 31, 1970.

SEC. 2. The funds made available by Section 1 of this act may also be expended for the purposes described in Section 54155 of the Government Code.

SEC. 3. Allocations of funds under Section 1 of this act may be expended, if the local agency so elects, for the repair, restoration, or replacement of a public building to present-day standards; provided, that the square footage of such building is not increased thereby.

SEC. 4. Notwithstanding the provisions of Section 54157 of the Government Code, whenever the Department of Finance determines that a local agency to which funds available pursuant to Section 1 of this act are proposed to be allocated is financially unable to meet the matching requirements set forth in Section 54157 of the Government Code due to exhaustion of its financial resources because of disaster expenditures, the provisions of Section 54157 of the Government Code shall not apply, and the Department of Finance may allocate funds

available pursuant to Section 1 of this act to pay all of the cost of repairing, restoring, or replacing public buildings of such local agency or such portion of such cost as the department determines is necessary to accomplish the project, taking into consideration the financial ability of the local agency to meet the matching requirements of Section 54157 of the Government Code, less any money provided by the United States or any agency thereof for any portion of the cost of the project; provided, that the total amount of state funds allocated for any one project pursuant to this section shall not exceed the sum of two hundred thousand dollars (\$200,000).

SEC. 5. The money in the Street and Highway Disaster Fund under subdivision (b) of Section 186.95 of the Streets and Highways Code shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between December 1, 1969, and July 1, 1970; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before July 31, 1970.

SEC. 6. Whenever the Department of Finance determines that a local agency which would otherwise be eligible for an allocation under the formula of Section 54157 of the Government Code is unable to finance the work due to exhaustion of its financial resources because of disaster expenditures, the State Allocation Board may allocate funds available pursuant to Section 5 of this act to pay such portion of the cost of repairing, restoring, or replacing the streets, roads and bridges of such local agency as the department has determined is necessary to accomplish such work; provided, that if the local agency is a county, the amount contributed by each local agency shall not be reduced to less than an amount of money equal to the amount allocated to such local agency for the 1968-69 fiscal year pursuant to Section 2110.5 of the Streets and Highways Code; and provided, further, that if the local agency is a county, the Department of Finance, in determining whether the county's financial resources are exhausted shall ascertain whether the county has levied during the then current year, the maximum property tax for highway purposes authorized by Section 1550 of the Streets and Highways Code in the road district in which the work is proposed, and if such tax is being levied at less than the maximum rate authorized by Section 1550, the amount to be allocated by the State Allocation Board under this section shall be reduced by an amount equivalent to the difference between the revenue derived from the property tax being levied for highway purposes in such road district and the revenue which would have been

derived from such tax at the maximum rate authorized by Section 1550. In determining if a county has levied sufficient taxes, amounts to be received from other taxes levied by that county and used for road purposes shall be included.

SEC. 7. The unexpended balance of the money transferred to the Street and Highway Disaster Fund pursuant to subdivision (a) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between December 1, 1969, and July 1, 1970; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before July 31, 1970.

SEC. 8. The unexpended balance of the money transferred to the State Highway Fund pursuant to subdivision (b) of Section 17 of Chapter 52 of the Statutes of 1969 shall be available for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1969, and July 1, 1970, to present-day standards and to accommodate present traffic.

SEC. 9. All moneys which are made available by the various provisions of this act for expenditure or allocation for the repair, restoration, or replacement of public real property damaged or destroyed by storm and flood or flood conditions are hereby appropriated for expenditure, without regard to fiscal years for the particular purposes specified by the respective provisions.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Annual storms and floods occurring in various counties of the state have caused and are expected to cause severe damage and destruction to essential streets, roads, highways, and bridges, public facilities and property in said counties, including public facilities supplying domestic water to inhabitants thereof. In order that funds may be made available immediately for the repair, restoration, or replacement of such streets, roads, highways, and bridges, public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 11

An act to add Article 9.5 (commencing with Section 1084.1) to Chapter 3 of Division 4 of the Education Code, relating to school bands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 10, 1970. Filed with
Secretary of State March 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 9.5 (commencing with Section 1084.1) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 9.5. Cultural Excursions of School Bands

1084.1. The governing board of any school district, at the request or invitation of the government, or a branch thereof, of the United States or of another country, may provide cultural excursions for the pupils enrolled in the secondary schools of the district and engaged in the activities of an organized school band. The governing board may provide for such pupils to be accompanied by those employees and other pupils of the district essential to the activities of the school band. The cultural excursions of a school band authorized by this section may be undertaken within or without the state or the United States.

1084.2. The governing board may provide or arrange for transportation incident to a cultural excursion of a school band by the use of district equipment or by domestic or foreign public carrier.

1084.3. The governing board of any school district providing cultural excursions pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket or individual policies of accident insurance from an authorized insurer, for pupils or employees of the district injured while participating in such excursions under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district. The cost of the insurance or membership may be paid, from the funds of the district, or by the insured or, in the case of a pupil, his parent or guardian.

1084.4. The governing board may establish a fee which pupils and employees shall be required to pay as a condition to participation in such excursion to cover expenses, including meals, lodging and transportation by other than school transportation. The governing board may also adjust such fees for

individual pupils and employees, as the board may deem appropriate.

1084.5. The attendance or participation in a field trip or excursion authorized by this article shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in any fiscal year, provided that: (1) such attendance or participation takes place within the regular school year fixed for the schools of the district, and (2) no more than 15 days of such attendance or participation shall be utilized for such crediting of attendance. No allowance for the transportation of pupils shall be made out of state funds to any district as a result of expense incurred in providing transportation for or in transporting pupils pursuant to this article.

SEC. 1.5. Article 9.5 (commencing with Section 1084.1) of Chapter 3 of Division 4 of the Education Code, as enacted by Section 1 of this act, shall have no force or effect after June 30, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit school bands to participate in cultural excursions and to make foreign appearances and performances according to schedules which have been established and to permit school district governing boards to timely accept invitations which have already been extended, it is necessary that this act go into immediate effect.

CHAPTER 12

An act to amend Sections 53205.05 and 53205.15 of, and to add Section 53205.16 to, the Government Code, relating to insurance benefits for school district employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 10, 1970. Filed with
Secretary of State March 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 53205.05 of the Government Code is amended to read:

53205.05. In addition to benefits provided under Section 53205, the governing board of any school district may use school district funds for payment of all, or such portion as it may elect, of the premiums, dues, or other charges for insurance or health benefits coverage for its employees, including but not limited to, medical, dental, life, and income protection insurance or benefits.

SEC. 2. Section 53205.15 of the Government Code is amended to read:

53205.15. In addition to benefits provided the spouse and dependent children under the age of 21 of a school district employee under Section 53205.1, the governing board of any school district may use school district funds for payment of all, or such portion as it may elect, of the premiums, dues, or other charges for insurance or health benefits coverage on such spouse and dependent children, including but not limited to, medical, dental, life, and income protection insurance or benefits.

SEC. 3. Section 53205.16 is added to the Government Code, to read:

53205.16. It is the intention of the Legislature to allow school districts under the provisions of Sections 53205.05 and 53205.15 to validate or approve any prior, existing, or future payments or claims resulting from insurance or health benefits given its employees and their dependents.

Recruitment and retention of qualified school district personnel is a serious problem which is of prime concern to all the people of California. Any efforts to alleviate this situation is in the best interest of the public. By allowing school districts to provide insurance and health benefits for its employees and their dependents, recruitment and retention problems may be lessened.

The purpose of Sections 53205.05 and 53205.15 is to make it clear that the Legislature intended that school districts be able to pay for insurance or health benefits including, but not limited to, medical, dental, life, and income protection insurance or benefits, for its employees and their dependents under the provisions of Section 53205.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to clarify the fact, at the earliest possible time, that school districts may offer better employee benefits to aid their recruitment efforts, it is necessary that this act take effect immediately.

CHAPTER 13

An act to amend Section 11005.6 of the Revenue and Taxation Code, relating to population estimates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 16, 1970. Filed with
Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11005.6 of the Revenue and Taxation Code is amended to read:

11005.6. Once each calendar year, any county or city and county whose population has been increased substantially since the last federal census and which has held an enumeration within the five-year period preceding application under the supervision of either the Federal Bureau of the Census or the Department of Finance may apply to the Department of Finance to estimate the increase in population. The department may make the estimate if in the opinion of the department there is available adequate information upon which to base the estimate. Upon completion of the estimate, the Department of Finance shall file a certified copy thereof with the department and the Controller.

All payments under Section 11005 of the Revenue and Taxation Code for any allocation subsequent to the filing of the estimate shall be based upon the population so estimated. The respective departments, in making the computations required by these sections, shall add to the total population of all counties and cities and counties all increases of population shown by the estimate.

If, in any year during which any county or city and county may apply to the Department of Finance to estimate the increase in population under this section, the total population of the cities within a county, as determined by actual census, exceeds the Department of Finance estimate of the population of the county, the total population of the cities shall be deemed the population of the county for purposes of this section, and upon receipt of satisfactory evidence of the population figures of said cities as determined by said census, the Department of Finance shall file a certified copy thereof with the department and the Controller.

The Department of Finance may assess a reasonable charge, not to exceed the actual cost thereof, for the preparation of population estimates pursuant to this section, which is a proper charge against the county or city and county applying therefor. The amount received shall be deposited in the State Treasury as a reimbursement to be credited to the appropriation from which the expenditure is made.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some counties have had large increases in population within the past year and, if they wait until completion of the federal census to establish such increase, they will lose vehicle license fee revenues to which they would otherwise be entitled. To remedy this inequity at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 14

An act to amend Section 29124 of the Government Code, relating to county budgets.

[Approved by Governor March 16, 1970. Filed with
Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29124 of the Government Code is amended to read:

29124. If at the beginning of any fiscal year, the appropriations applicable to that year have not been finally determined and adopted, the auditor shall approve payments for the support of the various budget units in accordance with the following authorizations which shall have progressive application:

(a) The several amounts set forth in the proposed budget for the objects and purposes therein specified, except for expenditures for fixed assets and for new permanent employee positions, are deemed appropriated until the adoption of the final budget. For the purposes of this subdivision, the words "new permanent employee positions," do not include any employee position created in lieu of an employee position which is abolished.

(b) If the proposed budget has not been approved by the board, the amounts deemed appropriated shall be based on the budget of the preceding year, excluding fixed assets.

CHAPTER 15*An act to add Section 29100.1 to the Government Code, relating to tax levies.*

[Approved by Governor March 16, 1970. Filed with
Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29100.1 is added to the Government Code, to read:

29100.1. Notwithstanding the provisions of Section 29100, whenever September 1st falls on a Saturday or holiday the tax rate may be set by the governing board on the next working day.

CHAPTER 16

An act to repeal Section 29805 of the Government Code, relating to county warrants.

[Approved by Governor March 16, 1970. Filed with Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29805 of the Government Code is repealed.

CHAPTER 17

An act to amend Section 8604 of the Agricultural Code, Sections 2300, 2302, 6784, 6785, 8970, 13906, and 32201 of the Health and Safety Code, Sections 9360 and 9366 of the Public Resources Code, and Sections 8220 and 8221 of the Streets and Highways Code, and to amend Sections 31304, 31701, 31702.3, 31702.4, 37206, 47904, 47905, 72093, and 72094 of, and to add Section 72095 to and to repeal Section 72095 of, the Water Code, and to amend Sections 8 and 10 of Chapter 310 of the Statutes of 1905, relating to district taxes.

[Approved by Governor March 16, 1970. Filed with Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8604 of the Agricultural Code is amended to read:

8604. The board shall, on or before the first Monday in July of each year, file with the board of supervisors the final budget which sets forth all estimated expenditures of the district for the fiscal year commencing on the first day of such month of July. A copy of the budget shall also at the same time be filed with the auditor of the county.

The board of supervisors shall annually, at the time of levying other county taxes, levy a tax upon all the citrus trees planted or growing in the district, regardless of age, as assessed by the assessor pursuant to this part. The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised on the secured roll. If a fraction of a cent occurs on a valuation of one hundred dollars (\$100), it shall be taken as a full cent.

SEC. 2. Section 2300 of the Health and Safety Code is amended to read:

2300. The district board of each mosquito abatement district shall, annually, on or before August 1st, furnish the board of supervisors and county auditor of the county an estimate in writing of the amount of money necessary to be raised by taxation for the district's purposes during the next ensuing fiscal year. The amount of money necessary for the district's

purposes may include a general reserve for the purpose of defraying district expenses between the beginning of a fiscal year and the time of distribution of tax receipts in a fiscal year. Such general reserve shall not exceed 60 percent of the estimated expenditures for a fiscal year.

The amount of money necessary for the district purposes may also include an unappropriated reserve for the purpose of defraying unusual and unanticipated expenses.

Expenditures from such unappropriated reserve may be made only upon an affirmative vote of four-fifths of the members of the district board. Such emergency fund is not to exceed 25 percent of the estimated expenditures for a fiscal year.

SEC. 3. Section 2302 of the Health and Safety Code is amended to read:

2302. The board of supervisors of each county in which any part of a district is situated shall, at the time of levying county taxes, levy a tax to be known as the "----- Mosquito Abatement District tax". The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll.

SEC. 4. Section 6784 of the Health and Safety Code is amended to read:

6784. The board shall designate the number of cents on each one hundred dollars (\$100) to be levied for each fund and the fund into which the proceeds shall be paid, using as a basis the value of property as assessed on the county roll. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 5. Section 6785 of the Health and Safety Code is amended to read:

6785. When so determined, the board shall immediately certify to the county auditor of the county in which the district is situated the amount of money needed and the rate of taxation fixed.

SEC. 6. Section 8970 of the Health and Safety Code is amended to read:

8970. The trustees shall annually, on or before August 1st, estimate and certify to the board of supervisors and county auditor of the county in which the district is situated, the amount of money necessary to be raised by taxation for maintaining the cemetery of the district, and for the acquisition of property necessary for the purposes of the district during the ensuing fiscal year.

SEC. 7. Section 13906 of the Health and Safety Code is amended to read:

13906. The district board shall report the final budget to the board of supervisors or to each board of supervisors concerned, after the budget hearing but not later than the first day of August of each year, after making any changes in the preliminary budget it deems advisable during or after the hearing, including deductions, increases, or additions.

SEC. 8. Section 32201 of the Health and Safety Code is amended to read:

32201. Annually, on or before August 1st, the board of directors of each local hospital district shall furnish to the board of supervisors and county auditor of the county in which the district or any part thereof is situated an estimate in writing of the amount of money necessary to be raised by taxation for all purposes required under the provisions of this division during the next ensuing fiscal year. In addition to such written estimate the board of directors of each local hospital district shall furnish to the board of supervisors for each tax year occurring after the second full fiscal year of actual hospital operations a certified copy of a resolution of said board of directors finding that the rates and charges made for services and facilities in the hospital on an overall basis are comparable to charges made for similar services and facilities by the non-profit hospitals operated within the hospital service area in which the district hospital is located. No such certificate need be furnished if there are no nonprofit hospitals in such service area. Such hospital service area shall be as from time to time delineated by the State Department of Public Health.

SEC. 9. Section 9360 of the Public Resources Code is amended to read:

9360. The directors, annually on or before August 1st, shall furnish the county auditor and the board of supervisors an estimate in writing of the amount of money necessary to be raised by assessment for the purposes of the district for the next ensuing fiscal year.

SEC. 10. Section 9366 of the Public Resources Code is amended to read:

9366. The rate, as determined by the board, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. If a fraction of a cent occurs in a valuation of one hundred dollars (\$100) it shall be taken as a full cent.

SEC. 11. Section 8220 of the Streets and Highways Code is amended to read:

8220. Annually on or before August 1st, the commission shall furnish to the board of supervisors and auditor of the county an estimate in writing of the amount of money necessary to be raised by taxation for the purposes of the district for the ensuing fiscal year. The amount shall be sufficient to pay:

(a) The interest on all outstanding bonds of the district which will become due during the ensuing fiscal year.

(b) The principal of all outstanding bonds of the district which will mature during the ensuing fiscal year.

(c) The amount necessary to pay the contract price of any contract which was to be paid by a tax levied on the real property within the district as herein provided.

(d) The estimated cost of repairs and maintenance of the project and the running expenses of the district.

(e) The amount necessary for preliminary engineering and other expenses incurred prior to the issuance and sale of bonds.

(f) In the first tax levy, the amount, if any, required to be raised to pay principal of or interest on any notes issued by the district as authorized herein.

SEC. 12. Section 8221 of the Streets and Highways Code is amended to read:

8221. Annually at the time of levying county taxes, the board of supervisors shall levy a tax upon the real property within the district. The rate shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. The tax rate so levied shall apply to the real property within the district as it appears on the assessment roll of the county.

SEC. 13. Section 31304 of the Water Code is amended to read:

31304. The district may issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the district payable from revenues and taxes, unless paid from other available funds of the district, in the same manner as bonds of said district; and provided further, that the maturity shall not be later than five years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 2 percent of the assessed valuation of the taxable property in the district or, if said assessed valuation is not obtainable, 2 percent of the county assessor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate; and provided further, that a district which has been formed for less than 18 months may borrow an amount not exceeding twenty-five thousand dollars (\$25,000), or an amount not exceeding 2 percent of the assessed valuation or estimated valuation of the taxable property in the district, whichever is greater, and no district shall borrow for purposes other than flood control in excess of one million dollars (\$1,000,000).

SEC. 14. Section 31701 of the Water Code is amended to read:

31701. If a district has no revenue or if the revenues of the district are, or in the judgment of the board of directors are likely to be, inadequate to pay the interest on or principal of any bonded debt as it becomes due, or any other expenses or claims against the district, the board of directors shall, annually, on or before August 1st, furnish to the board of supervisors and to the auditor of each county, respectively, in writing:

(a) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to pay the principal of or interest on any bonded debt of the district or of an improvement district therein as it becomes due.

(b) A description of the improvement district benefited by the purposes of the bonded debt as stated in the resolution declaring the necessity to incur the bonded indebtedness, or, if the whole district was benefited by incurring it, a statement of that fact.

(c) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required to meet all the charges, claims, expenditures and expenses, other than a bonded debt, of each improvement district created in the county pursuant to this division, together with a description of each such improvement district as determined by resolution of the board.

(d) An estimate of the minimum amount of money required to be raised by taxes in the county for the payment of its proportion of the amount required by the district for other expenses and claims against it.

SEC. 15. Section 31702.3 of the Water Code is amended to read:

31702.3. On or before September 1 of each year, the board shall fix the rates of taxation in not to exceed four decimals, which it shall require for each of its purposes for said year, making due allowance for delinquency as fixed by law or by the board, and immediately certify said rates to the county auditor. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 16. Section 31702.4 of the Water Code is amended to read:

31702.4. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate of levy as fixed by the board and the assessed value as found on the assessment roll.

SEC. 17. Section 37206 of the Water Code is amended to read:

37206. On or before August 1st the board of any district which has elected pursuant to Section 37203 to proceed under this part shall furnish to the county auditor and the board of supervisors an estimate in writing of the amount of money needed to be raised by assessment in the county for the payment of its proportion of the amount required for the purposes of the district for the next fiscal year. Except to the extent that provision has otherwise been made by the board, as may be permitted by law, for payment of the principal of and interest upon bonds as they become due and for payment of other claims and expenses of the district, said estimate shall be in an amount sufficient for payment of the county's proportion of the principal of and interest on bonds as they become due and for payment of other claims and expenses of the district.

SEC. 18. Section 47904 of the Water Code is amended to read:

47904. On or before the 15th day of July, the board shall designate and determine by resolution the percentage of any assessment theretofore levied that shall be called and collected pursuant to this chapter.

SEC. 19. Section 47905 of the Water Code is amended to read:

47905. A certified copy of the resolution provided for in Section 47904 shall immediately be filed by the secretary of the district with the county treasurer and county auditor of each affected county.

SEC. 20. Section 72093 of the Water Code is amended to read:

72093. The board shall determine the amounts necessary to be raised by taxation during the fiscal year and shall fix the rate or rates of tax to be levied which will raise the amounts of money required by the district. These acts by the board are a valid assessment of the property and a valid levy of the taxes so fixed.

SEC. 21. Section 72094 of the Water Code is amended to read:

72094. On or before the third Monday in August, the board shall certify to the board of supervisors and county auditor the tax rate or rates fixed for the district and shall furnish a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the payment of the principal of and interest on any bonded debt of the district, or of an improvement district therein, that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the district.

SEC. 22. Section 72095 of the Water Code is repealed
72095

SEC. 23. Section 72095 is added to the Water Code, to read:

72095. The county auditor shall compute and enter in the county assessment roll the respective sums to be paid as a district tax on the property in the district, using the rate or rates of levy as fixed by the board and the assessed value as found on the assessment roll for the property subject to the particular tax.

SEC. 24. Section 8 of Chapter 310 of the Statutes of 1905 is amended to read:

Sec. 8. The board of trustees must keep an office in or near the district for the transaction of the business thereof, and the books, maps, papers, records, contracts and other documents pertaining to the affairs of the district must be open for inspection to any person interested at all times. From and after the election and qualification of said trustees said district shall be deemed organized and shall have power to sue or be

sued. The board of trustees shall have power to elect one of its members president thereof, to employ engineers and others, to survey, plan, locate and estimate the cost of the works and improvements necessary, in the way of erection or repair of levees, dikes and other works for the benefit of said district; to thereafter and at any time in its discretion modify or change said original plan or plans or to adopt any new supplemental or additional plan or plans, when in its judgment the same shall become necessary; to acquire by purchase, condemnation or otherwise, rights-of-way, and the right to take material for the construction of all works necessary for the accomplishment of the objects of the district including drains, levees and embankments, and to construct, maintain and keep in repair all works, requisite and necessary to that end; and to do all other acts and things necessary or required for the protection of the lands in said district from the overflow of any river, stream, streams or watercourse, and to employ the service of any person legal or otherwise which in the judgment of said board of trustees may be necessary to the welfare of the district. The said board of trustees shall each year estimate the total cost for all purposes of erecting, constructing or repairing levees, dikes or other works, and doing the necessary things for the protection of the lands and property within said district from the overflow of any river, stream, streams or watercourse, and maintain the same for one year, including all damages awarded to any person by reason of the erection or construction of any of said levees, dikes or other works for protection, and shall thereupon make a report of the foregoing matters to the board of supervisors in which said district is situated, showing the amount of money required by said district for all purposes for one year thereafter. Said estimate of moneys necessary for said district for each year, and said report shall be made to said board of supervisors and the county auditor by said board of trustees on or before the first day of August of each year after the formation of said district and said estimate made as aforesaid and report to said board of supervisors and auditor by said board of trustees as hereinbefore set out, shall in each instance form the basis of the estimates of the board of supervisors for the amount of money required to be raised by assessment on the lands and personal property within such district for such year.

SEC. 25. Section 10 of Chapter 310 of the Statutes of 1905 is amended to read:

Sec. 10. At the time when by law it is the duty of the board of supervisors of such county to fix the annual tax rate of such county, the said board of supervisors taking as a basis the last previous estimate and report of said board of trustees of said district as hereinbefore specified, for the amount of money necessary to be raised in said district for the purposes thereof for that year, and the valuation of the lands and improvements thereon, and personal property within such district as furnished them by the county assessor, must levy a

tax upon all taxable property in such levee district sufficient to raise the amount set forth in said estimate and report as made by said board of trustees.

The rate of taxation as fixed by the board of supervisors, shall be such as will produce, after due allowance for delinquency, the amount determined as necessary to be raised by taxation on the secured roll. The taxes so levied shall be computed and entered upon the assessment roll of the county by the county auditor and collected at the same time, and in the same manner as state and county taxes; and when collected shall be paid into the county treasury for the use of said levee district in which said taxes were levied. And all taxes so levied as hereinbefore provided shall be a lien upon the lands and property in said district, in the manner, and with the same effect, and collected in the same way, as are state and county taxes.

CHAPTER 18

An act to add Section 7003.3 to the Welfare and Institutions Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 16, 1970. Filed with
Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7003.3 is added to the Welfare and Institutions Code, to read:

7003.3. Sections 7003.1 and 7003.2 do not apply to institutions which are not required by this code or rules and regulations of the department to have a medical director, an organized medical staff or a resident medical staff, or to provide professional nursing services by a registered nurse or supervision of nursing services by a licensed registered nurse, a graduate nurse, a licensed vocational nurse, or a certified psychiatric technician.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent legislation requiring that the voluntary area or local health planning body review and approve a private mental health facility's change in bed capacity prior to licensure by the Department of Mental Hygiene places unnecessary burdens on and causes undue hardships to otherwise qualified non-medical care facilities. In order that such facilities may be licensed without such review and approval which is provided for in this act it is necessary that this act become effective as soon as possible.

CHAPTER 19

An act to amend Sections 6510.6 and 6559.1 of the Financial Code, relating to savings and loan associations, and declaring the urgency thereof.

[Approved by Governor March 16, 1970 Filed with
Secretary of State March 16, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6510.6 of the Financial Code is amended to read:

6510.6. Savings shares are shares designated as such. Without regard to any other provision of law, a savings share issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maximum maturity date of 10 years from the date of issue; provided that nothing herein shall be deemed to prohibit the renewal of any matured savings share. Without regard to any other provision of law, a savings share shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings share issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings share issued with passbook:

“This certifies that _____ holds a savings share in _____ subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association.”

2. Form of savings share issued without passbook (providing for definite rate of return):

“\$_____

“This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus dividends at the rate of _____ percent per annum from the date hereof to the date of maturity which is _____.”

3. Form of savings share issued without passbook (not providing for definite rate of return):

“\$_____

“This certifies that _____ holds a savings share, in the amount shown hereon, in _____, subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association.”

SEC. 2. Section 6559.1 of the Financial Code is amended to read:

6559.1. A savings certificate is an investment certificate designated as such. Without regard to any other provision of law, a savings certificate issued without a passbook may contain a provision for a definite rate of return thereon and may be issued with a maximum maturity date of 10 years from the date of issue, provided that nothing herein shall be deemed

to prohibit the renewal of any matured savings certificate. Without regard to any other provision of law, a savings certificate shall be in one of the following forms or such other form as the commissioner may approve, and need contain no other recitals, except that in the case of a savings certificate issued with passbook, the passbook shall contain a record of transactions relating to the account:

1. Form of savings certificate issued with passbook:

"This certifies that ----- holds a savings certificate in ----- subject to the laws of the State of California, and to the articles of incorporation and bylaws of the association."

2. Form of savings certificate issued without passbook (providing for definite rate of return):

"\$-----

"This certifies that ----- holds a savings certificate in the amount shown hereon in --- ----, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association, and is entitled to be paid the amount hereof plus interest at the rate of ----- percent per annum from the date hereof to the date of maturity which is -----."

3. Form of savings certificate issued without passbook (not providing for definite rate of return):

"\$-----

"This certifies that ----- holds a savings certificate in the amount shown hereon in ---- -, subject to the laws of the State of California and to the articles of incorporation and bylaws of the association."

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent amendments to federal regulations governing federally chartered savings and loan associations with respect to the maximum term for which certain types of investments with such associations may be made threaten to make state-chartered associations noncompetitive with respect to such types of investments. In order to keep state-chartered associations on a competitive basis with their federal counterparts it is thus necessary that this act take effect immediately.

CHAPTER 20

An act to authorize the assessment or reassessment of damaged or destroyed property in disaster areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 16, 1970 Filed with
Secretary of State March 16, 1970]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any provision of law to the contrary, the board of supervisors may, by ordinance, provide

that every person who at 12:01 a.m. on the first day of March, 1969, was the owner of, or had in his possession, or under his control, any taxable property, or who acquired such property after March 1, 1969, and is liable for the taxes thereon for the 1969-1970 fiscal year, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, prior to March 1, 1970, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, make application for reassessment of such property and deliver to the assessor a written statement showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars (\$1,000). If no such application is made and the county assessor determines that the full cash value of such property for the 1970-1971 assessment year is reduced from the full cash value of such property for the 1969-1970 assessment year by more than one thousand dollars (\$1,000) due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll, one-half of the tax due on the property as originally assessed at the rate established for property on the secured roll for the 1969-1970 fiscal year shall be paid; plus

(b) One-half of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for the 1969-1970 fiscal year shall be paid.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Sec-

tion 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

(c) With respect to property on the unsecured roll, one-half of the tax due on the property as originally assessed at the rate established for property on the unsecured roll for the 1969-1970 fiscal year shall be paid; plus

(d) One-half of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the unsecured roll for the 1969-1970 fiscal year shall be paid.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The disastrous storms and floods in the northern part of this state have damaged and destroyed property to such an extent that, unless relief is given to the owners of such property, there is grave danger that they will be unable to pay the taxes levied thereon. In order that property tax relief may be provided at the earliest possible time to persons in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 21

An act to amend Section 8553 of the Agricultural Code, relating to citrus pest control districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 16, 1970. Filed with
Secretary of State March 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8553 of the Agricultural Code is amended to read:

8553. A district may pay limited compensation to the owner of any citrus tree infected with quick decline (tristeza) which is removed by the district or by the owner within 60 days after written notice of such infection to the owner by the district, and prior to March 1, 1975. Such limited compensation shall not exceed the following payment schedule with the age of the tree being conclusively established as of the time written notice of such infection is first given to the owner.

The schedule of payments is as follows:

Age of trees	Maximum payment
1 year -----	\$5 per tree
2 years -----	7.50 per tree
3 years -----	10 per tree
4 years -----	14 per tree
5 years -----	17.50 per tree
6 years -----	20.75 per tree
7 years or older -----	25 per tree

For the purposes of this section, the holder of the record title of the real property on which the trees are located shall be considered to be the owner of the citrus trees to whom written notice of infection is given.

The written notice referred to above shall be a written or printed document labeled "Notice of Infection," addressed to the owner and informing the owner of the existence of such infected trees, their location, and that they should be removed forthwith.

For the purposes of determining the age of infected citrus trees under this section, trees shall be considered one year old as of the January 1st succeeding the calendar year in which they are planted, and shall be deemed one year older on the January 1st of each succeeding year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The citrus industry of this state has continued to be threatened by quick decline (*tristeza*), it is necessary that this program of limited compensation for removal of diseased trees which will expire March 1, 1970, be continued without interruption. To that end it is essential that this act go into immediate effect.

CHAPTER 22

An act to amend Section 6480 of the Health and Safety Code, relating to sanitary districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 17, 1970. Filed with Secretary of State March 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6480 of the Health and Safety Code is amended to read:

6480. (a) The officers of the district are an assessor and five members of the board.

(b) Any member of the legislative body of a city whose territory is encompassed, in whole or in part, by the bound-

aries of the district is not disqualified from holding office as a member of the board solely because of his membership on such legislative body.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many well-qualified members of city councils are presently precluded from serving upon the board of a sanitary district whose territory encompasses any part of their city. It is necessary that this act be given immediate effect so these individuals may immediately commence to serve upon these boards and lend their expertise and advice to their deliberations.

CHAPTER 23

An act to add Section 19576.2 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 18, 1970 Filed with
Secretary of State March 19, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 19576.2 is added to the Education Code, to read:

19576.2. Notwithstanding any other provision of this chapter, whenever the board has made an apportionment more than two years after the original approval of and apportionment for any construction project, and pursuant to Section 19576 has required the district to issue additional qualifying bonds as a condition of such apportionment, the board may continue to make apportionments as it may consider necessary to complete the approved construction project without requiring further qualification by the district, provided such apportionments are made within two years of the date upon which the additional qualifying bonds were required.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One or more school districts in the state have experienced delays in connection with school construction projects which have been approved by the State Allocation Board and for which apportionments have been made. These delays have already made necessary the issuance of additional qualifying bonds. Further delays, and the attendant problems of rising costs, will occur if proceedings for the issuance of additional bonds must be undertaken. In order that such delays may be

averted and the construction of urgently needed schools may proceed without interruption it is essential that this act take effect immediately.

CHAPTER 24

An act to add Section 924.5 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1970 Filed with
Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 924.5 is added to the Education Code, to read:

924.5. Notwithstanding the provisions of Section 924, the governing board of any elementary school district formed pursuant to Article 3 (commencing with Section 2021) of Chapter 2, Division 5, of this code, to include all the territory of four or more contiguous elementary school districts situated in the same county, shall consist of five members if the governing board of the district determines by resolution that the number of members shall be increased to five.

Thereafter, at the next regular governing board member election, two additional members shall be elected and the one receiving the higher number of votes shall serve until June 30 of the second succeeding odd-numbered year. The other member's term shall expire on June 30 of the first succeeding odd-numbered year. Thereafter the governing board shall be composed of five members elected in the same manner and for the same term as governing boards having five members.

Candidates for the two additional offices or their sponsors shall state in the declaration of candidacy or nominations filed for the election that the candidates are candidates for the two additional offices separately from the other offices to be filled in the election.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under existing law, the combining of two or more existing elementary school districts to form a new school district results in the formation of a single elementary school district with a governing board consisting of three members selected at large from the territory comprising the district. In order for a newly formed elementary school district, the formation of which was completed subsequent to the first day of February of the preceding year and which comprises the territory of four or more elementary school districts situated in the

same county, to have an elected governing board consisting of five members the first school year of its existence for all purposes, it is necessary that this act take effect immediately.

CHAPTER 25

An act to amend Section 24054 of the Education Code, to amend Section 5554 of the Public Resources Code, to amend Section 100071 of the Public Utilities Code, and to amend Section 27195 of the Streets and Highways Code, relating to accountants.

[Approved by Governor March 23, 1970. Filed with
Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24054 of the Education Code is amended to read:

24054. A certified public accountant or public accountant selected by the organizations or funds hereafter described and in accordance with procedures prescribed by the Department of Finance, shall annually audit any and all state college auxiliary funds and funds of organizations using the name of the state, state college, or representing an official relationship with the college, or funds in which college officials participate as directors as part of their official position, whether such funds be maintained on campus or not. The organizations or funds shall contract for and receive such audit annually, and shall submit such audit to the trustees and to the Director of Finance. Auxiliary organizations shall annually publish an audited statement of their financial condition which shall be disseminated as widely as feasible on the campus and be available to any person on request. Publication in the campus student newspaper shall be deemed compliance with this requirement.

The president shall be responsible for ascertaining that all expenditures are in accordance with policies of the trustees, the propriety of all expenditures, and the integrity of the financial reporting, made by auxiliary organizations.

The operation of state college auxiliary organizations shall be conducted in conformity with regulations established by the trustees, and the accounting procedures of such state college auxiliary organizations shall be approved by the Director of Finance. The regulations shall include provisions requiring the governing board of each auxiliary organization to provide salaries, working conditions and benefits, exclusive of retirement and permanent status benefits, for the full-time employees of each auxiliary organization, except alumni associations, which are comparable to those provided state college employees performing similar services. For those employees

whose duties are not comparable to classes in state college employment the salaries established shall be at least equal to the salaries prevailing in other educational institutions in the area.

SEC. 2. Section 5554 of the Public Resources Code is amended to read:

5554. The board, at its first meeting following the end of its fiscal year, shall cause to be rendered no later than 90 days after such meeting and to be published at least once, in a newspaper of general circulation printed and published in the district, a verified certified public accountant's or verified public accountant's audit of the financial condition of the district, showing particularly the receipts and disbursements and balance of assets and liabilities for the last preceding year.

SEC. 3. Section 100071 of the Public Utilities Code is amended to read:

100071. It shall be the duty of the board of supervisors and it shall have the power to:

(a) Determine the transit facilities to be acquired and constructed by the district, the manner of operation, and the means to finance them.

(b) Adopt an annual budget for the district and fix the compensation of its officers and employees.

(c) Fix rates, rentals, charges and classifications of transit service operated by the district.

(d) Adopt an administrative code, by ordinance, which shall prescribe the powers and duties of district officers and the method of appointment of district employees and methods, procedures and systems of operation and management of the district.

(e) Adopt by ordinance, rules and regulations governing the use of transit facilities owned or operated by the district.

(f) Cause a postaudit of the financial transactions and records of the district to be made at least annually by a certified public accountant or public accountant.

(g) Do any and all things necessary to carry out the purposes of this part.

SEC. 4. Section 27195 of the Streets and Highways Code is amended to read:

27195. (a) The district shall contract with a certified public accountant or public accountant to make an annual audit, the scope and content of which shall be prescribed by such accountant, of the books, accounts, records, papers, money, and securities of the district.

(b) Such report shall include a statement as to whether or not the accountant, through the application of auditing tests and other auditing procedures, is satisfied that expenditures and claims were supported by proper documentation and were properly recorded.

(c) All costs of the audit shall be borne by the district.

(d) A copy of each year's audit shall be sent to the county auditor of each county within the district for public inspection.

CHAPTER 26

An act to amend Section 647 of the Penal Code, relating to disorderly conduct, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1970. Filed with Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 647 of the Penal Code is amended to read:

647. Every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor:

(a) Who solicits anyone to engage in or who engages in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view.

(b) Who solicits or who engages in any act of prostitution. As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.

(c) Who accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms.

(d) Who loiters in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.

(e) Who loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands such identification.

(f) Who is found in any public place under the influence of intoxicating liquor, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or any combination of any intoxicating liquor, drug, toluene, or any such poison, in such a condition that he is unable to exercise care for his own safety or the safety of others, or by reason of his being under the influence of intoxicating liquor, any drug, toluene, any substance defined as a poison in Schedule D of Section 4160 of the Business and Professions Code, or any combination of any intoxicating liquor, drug, toluene, or any such poison, interferes with or obstructs or prevents the free use of any street, sidewalk, or other public way.

(g) Who loiters, prowls, or wanders upon the private property of another, in the nighttime, without visible or lawful business with the owner or occupant thereof.

(h) Who, while loitering, prowling, or wandering upon the private property of another, in the nighttime, peeks in the

door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof.

(i) Who lodges in any building, structure, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been once previously convicted of a violation of the subdivision, the previous conviction shall be charged in the accusatory pleading, and, if the previous conviction is found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or is admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 45 days and shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he has served a period of not less than 45 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

In any accusatory pleading charging a violation of subdivision (b) of this section, if the defendant has been previously convicted two or more times of a violation of the subdivision, each such previous conviction shall be charged in the accusatory pleading, and, if two or more of such previous convictions are found to be true by the jury, upon a jury trial, or by the court, upon a court trial, or are admitted by the defendant, the defendant shall be imprisoned in the county jail for a period of not less than 90 days and shall not be eligible for release upon completion of sentence, on parole, or on any other basis until he has served a period of not less than 90 days in the county jail. In no such case shall the trial court grant probation or suspend the execution of sentence imposed upon the defendant.

SEC. 2. The amendment of Section 647 of the Penal Code which is made by this act does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature inadvertently omitted a portion of Section 647 of the Penal Code when it amended the section at its 1969 Regular Session. To eliminate any confusion in the administration and enforcement of Section 647 of the Penal Code, it is necessary that this act, which restores the portion which was inadvertently omitted, be given immediate effect.

CHAPTER 27

*An act to amend Section 2943 of the Civil Code,
relating to secured land transactions.*

[Approved by Governor March 23, 1970. Filed with
Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2943 of the Civil Code is amended to read:

2943. As used in this section:

(a) "Beneficiary" means a mortgagee or beneficiary of a deed of trust, or his assignees.

(b) "Entitled person" means the trustor or mortgagor, or his successor in interest, in the mortgaged or trust property, or any part thereof, any beneficiary under a subordinate deed of trust, any other person having a subordinate lien or encumbrance of record thereon, the escrow holder licensed as an agent pursuant to Division 6 (commencing with Section 17000) of the Financial Code, or the party exempt by virtue of Section 17006 of the Financial Code who is acting as the escrow holder.

A beneficiary, or his authorized agent, shall, on the written demand of an entitled person, or his authorized agent, made at any time before, or within two months after, the recording of a notice of default under a mortgage or deed of trust, if the power of sale therein is to be exercised, or otherwise made more than 30 days prior to entry of the decree of foreclosure, prepare and deliver to the person demanding it a written statement showing:

(a) The amount of the unpaid balance of the obligation secured by the mortgage or deed of trust and the interest rate, together with the total amounts, if any, of all overdue installments of either principal or interest, or both.

(b) The amounts of periodic payments, if any.

(c) The date on which the obligation is due in whole or in part.

(d) The date to which real estate taxes and special assessments have been paid to the extent such information is known to the lender.

(e) The amount of hazard insurance in effect and the term and premium of such insurance to the extent such information is known to the lender.

(f) The amount in an account, if any, maintained for the accumulation of funds with which to pay taxes and insurance premiums.

(g) The nature and, if known, the amount of any additional charges, costs, or expenses paid or incurred by the beneficiary which have become a lien on the real property involved.

The beneficiary may, before delivering a statement, require reasonable proof that the person making the demand is, in fact,

an entitled person or an authorized agent of an entitled person, in which event the beneficiary shall not be subject to the penalties of this section until 21 days after receipt of the proof herein provided for. A statement in writing signed by the entitled person appointing an authorized agent when delivered personally to the beneficiary or delivered by registered return receipt mail shall constitute reasonable proof as to the identity of an agent. Similar delivery of a policy of title insurance, preliminary report issued by a title company, original or photographic copy of a grant deed or certified copy of letters testamentary, guardianship, or conservatorship shall constitute reasonable proof as to the identity of a successor in interest, provided the person demanding a statement is named as successor in interest in the document.

Delivery of the statement by the beneficiary, as herein referred to, shall mean depositing or causing to be deposited in the United States mail an envelope, with postage prepaid, containing a copy of the statement, addressed to the person whose name and address is set forth in the demand therefor.

If a beneficiary for a period of 21 days after receipt of such written demand willfully fails to prepare and deliver such statement, he is liable to the entitled person for all damages which he may sustain by reason of such refusal and, whether or not actual damages are sustained, he shall forfeit to the entitled person the sum of one hundred dollars (\$100). Each such failure to prepare and deliver such a statement, occurring at a time when, pursuant to this section, the beneficiary is required to prepare and deliver the statement, creates a separate cause of action, but a judgment awarding an entitled person such forfeiture, or damages and forfeiture, for any such failure to prepare and deliver a statement bars recovery of such damages and forfeiture for any other failure to prepare and deliver a statement, with respect to the same obligation, in compliance with a demand therefor made within six months before or after the demand as to which the award was made.

If the beneficiary has more than one branch, office or other place of business, then the demand shall be made to the branch or office at which the payments of the obligation are made, and the statement, unless it specifies otherwise, shall be deemed to apply only to the unpaid balance owing to or payable at the branch or office secured by the mortgage or deed of trust.

The beneficiary may make a charge not to exceed fifteen dollars (\$15) for furnishing the required statement, except that no charge shall be made for such statement unless such charge has been specifically provided for in such mortgage or deed of trust, and that this requirement for provision for such charge in the instrument shall not apply to mortgages or deeds of trust insured by the Federal Housing Administrator or guaranteed by the Administrator of Veterans Affairs.

This section applies only to mortgages and deeds of trust executed on or after January 1, 1964.

CHAPTER 28

An act to amend Section 10251 of the Business and Professions Code, relating to real estate syndicates, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1970. Filed with Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10251 of the Business and Professions Code is amended to read:

10251. As used in this chapter, unless the context otherwise requires:

(a) "Real estate syndicate" means any general or limited partnership, joint venture, unincorporated association, or similar organization (but not a corporation) owned beneficially by no more than 100 persons and formed for the sole purpose of, and engaged solely in investment in or gain from an interest in real property, including, but not limited to, a sale, exchange, trade, or development. An interest held by a husband and wife shall be considered held by one person.

(b) "Interest in real property" includes any estate or interest in unimproved land, agricultural land, or land improved with a residential, commercial, industrial or other structures, including profits, rents, or other incidental income.

(c) "Real estate syndicate security" means any interest in a real estate syndicate.

(d) (1) "Sale" or "sell" includes every contract of sale of, contract to sell, or disposition of, a real estate syndicate security for value and any exchange of a real estate syndicate security or any substantial change in the rights, preferences, privileges or restrictions of or on outstanding certificates of interest.

(2) "Offer" or "offer to sell" includes every attempt or offer to dispose of, or solicitation of an offer to buy, a real estate syndicate security for value.

(3) Any real estate syndicate security given or delivered with, or as a bonus on account of, any purchase or loan or other thing constitutes a part of the subject of the purchase and is considered to have been offered and sold for value.

(4) The terms defined in this section do not include (i) any bona fide secured transaction in or loan secured by outstanding certificates of interest, or (ii) any act incident to a judicially approved arrangement or reorganization in which certificates of interest are issued in exchange for one or more certificates of interest, claims or property interests, or partly in such exchange and partly for cash.

(e) "Commissioner" means the Real Estate Commissioner.

(f) "Permit" means a permit to negotiate or sell real estate syndicate securities.

(g) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communications media, published in connection with the offer or sale of a real estate syndicate security.

(h) "Issuer" means any person who issues or proposes to issue any real estate syndicate security. The term "issuer" means the person or persons performing the acts and assuming the duties of a manager pursuant to the provisions of the agreement or instrument under which the real estate syndicate security is issued and the person or persons in active control of the real estate syndicate who sell such interests or participations or any person or persons who sell such interests or participations. The determination of the person or persons in active control shall be made on the basis of the actual relationship of the parties and not on the basis of the legal designation of a person's interest.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Real Estate Syndicate Act enacted in 1969 transferred jurisdiction over real estate syndicates involving 100 or less interests from the Corporations Commissioner to the Real Estate Commissioner. Substantial confusion exists among the syndicating public in marketing syndicate interests whose interests are held by husband and wife as to whether or not more or less than 100 interests have been created.

In order to promptly clarify the respective jurisdiction of the Real Estate Commissioner and the Commissioner of Corporations in connection with the regulation of real estate syndicates, it is imperative that this act take effect immediately.

CHAPTER 29

An act to amend Sections 21690.24 and 21690.28 of the Public Utilities Code, relating to airports, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1970. Filed with
Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21690.24 of the Public Utilities Code is amended to read:

21690.24. Upon establishment of a program for additional payments to homeowners by the department pursuant to this article, the affected property owners may petition as provided in Section 21690.26 for the payment of additional compensation for the depressed value of the affected property resulting

from the presence and operation of the airport, provided that such owner has not previously recovered any sums in the nature of an inverse condemnation award by reason of the presence and operation of the airport.

SEC. 2. Section 21690.28 of the Public Utilities Code is amended to read:

21690.28. The provisions of this article are available only to persons who own residential property which has been or is being condemned or sold for airport purposes. Petitions for additional compensation may be filed with the board at the same time that condemnation proceedings or acquisition negotiations are initiated; and the board shall pay any sum awarded pursuant to Section 21690.26 within 60 days after condemnation or other acquisition proceedings are completed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to pending condemnation proceedings of property in the area of the Los Angeles International Airport and the need for adequate compensation of the owners thereof in order that they may relocate to comparable housing, it is imperative that this act take immediate effect.

CHAPTER 30

An act making an appropriation for homemaker or attendant care services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 23, 1970. Filed with
Secretary of State March 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. There shall be transferred from the sums appropriated under Section 32.5 of Chapter 355 of the Statutes of 1969 an additional six million nine hundred thousand seven hundred dollars (\$6,900,700) in augmentation of subdivision (a) of Section 32.7 of Chapter 355 of the Statutes of 1969 to be used by the Department of Social Welfare for homemaker or attendant care services.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The orderly implementation of the homemaker services for recipients of public assistance requires the gradual case-by-case transfer from attendant care. Chapter 660 of the Statutes of 1969 established the closed-end appropriation for homemaker

or attendant care and stipulated an estimated amount of money to be transferred from Item 32.5 of the Budget Act to Item 32.7. This estimated transfer was understated because accounting records were kept by the counties only on total grant expenditures and not specifically on attendant care. Administration under the closed-end appropriation which now requires separate accounting of attendant care expenses has provided an accurate basis for cost projections. These projections show conclusively that budget Item 32.7 was underestimated and that Item 32.5 is overestimated. Transferring the excess from Item 32.5 to cover the deficiency in Item 32.7 is necessary because several counties have already exhausted their funds and may find it necessary to abandon the service.

CHAPTER 31

An act to add Sections 23602.5, 24058, 24059, 24060, and 24061 to the Education Code, relating to state colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1970. Filed with
Secretary of State March 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23602.5 is added to the Education Code, to read:

23602.5. It is unlawful for any person to utilize any information, not a matter of public record, which is received by him by reason of his employment by, or contractual relationship with, the trustees, a state college, or a state college auxiliary organization, for personal pecuniary gain, not contemplated by the terms of such employment or contract, regardless of whether he is or is not so employed or under contract at the time such gain is realized.

SEC. 2. Section 24058 is added to the Education Code, to read:

24058. No member of the governing board of a state college auxiliary organization shall be financially interested in any contract or other transaction entered into by the board of which he is a member, and any contract or transaction entered into in violation of this section is void.

SEC. 3. Section 24059 is added to the Education Code, to read:

24059. No contract or other transaction entered into by the governing board of a state college auxiliary organization is void under the provisions of Section 24058, nor shall any member of such board be disqualified or deemed guilty of misconduct in office under said provisions, if the circumstances specified in the following subdivisions exist:

(a) The fact of such financial interest is disclosed or known to the governing board and noted in the minutes, and the gov-

erning board thereafter authorizes, approves, or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such financially interested member or members, and

(b) The contract or transaction is just and reasonable as to the auxiliary organization at the time it is authorized or approved.

SEC. 4. Section 24060 is added to the Education Code, to read:

24060. The provisions of Section 24059 shall not be applicable if the circumstances specified in any of the following subdivisions exist:

(a) The contract or transaction is between a state college auxiliary organization and a member of the governing board of that auxiliary organization.

(b) The contract or transaction is between a state college auxiliary organization and a partnership or unincorporated association of which any member of the governing board of that auxiliary organization is a partner or in which he is the owner or holder, directly or indirectly, of a proprietorship interest.

(c) The contract or transaction is between a state college auxiliary organization and a corporation in which any member of the governing board of that auxiliary organization is the owner or holder, directly or indirectly, of 5 percent or more of the outstanding common stock.

(d) A member of the governing board of a state college auxiliary organization is interested in a contract or transaction within the meaning of Section 24058, and without first disclosing such interest to the governing board at a public meeting of the board, influences or attempts to influence another member or members of the board to enter into the contract or transaction.

SEC. 5. Section 24061 is added to the Education Code, to read:

24061. It is unlawful for any person to utilize any information, not a matter of public record, which is received by him by reason of his membership on the governing board of a state college auxiliary organization, for personal pecuniary gain, regardless of whether he is or is not a member of the governing board at the time such gain is realized.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The statutory provisions now in effect are not adequate to prevent the abuses of public trust circumscribed by this act, and in order to meet the urgent need for corrective action, this act must be given immediate effect.

CHAPTER 32

An act to amend Sections 43613, 44761, 44764, 44811, 44841, 44842, and 44845 of, to add Section 44704 to, and to repeal Sections 44704, 44762, 44843, and 44844 of, the Agricultural Code, relating to asparagus, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1970. Filed with Secretary of State March 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 43613 of the Agricultural Code is amended to read:

43613. Standard containers numbers 51, 51A, and 52 are as follows:

Number	Name	Dimensions
51	Standard pyramid asparagus crate	Maximum depth inside, 11 inches; length inside, 18 inches; width at the bottom inside, 11 inches; maximum width at the top inside, 10 inches; minimum width at the top inside, 9 inches.
51A	Standard pyramid asparagus crate	Depth 11 inches; width 13 inches; length 16½ to 16¾ inches.
52	Standard pyramid asparagus crate	Maximum depth inside, 10 inches; length inside, 18 inches; width at the bottom inside, 11½ inches; maximum width at the top inside, 10 inches; minimum width at the top inside, 9 inches.

SEC. 2. Section 44704 of the Agricultural Code is repealed.

SEC. 3. Section 44704 is added to the Agricultural Code, to read:

44704. Asparagus stalks shall have not more than two inches of white showing, beginning from that end which is cut from the plant. Except not more than 20 percent of the stalks in any bunch or in any container may have more than two inches of white provided not more than 5 percent of this amount exceeds three inches of white in length. However, containers of asparagus marked with the word "white", if grown north or west of San Geronio Pass, may be packed provided not more than 5 percent of the stalks in any container may have more than 1½ inches of color other than white on the stalk.

Individual containers in any lot may contain not more than 1½ times the tolerance provided the entire lot averages within the specified tolerance.

SEC. 4. Section 44761 of the Agricultural Code is amended to read:

44761. Bunches of asparagus which are classified according to the following system shall contain the number of stalks which are indicated and shall weigh not less than two pounds nor more than three pounds net weight when bunch packed. Not less than 12 bunches of asparagus which are so designated may be packed in standard containers number 51, 51A, or 52.

(a) "Colossal" means not more than 14 stalks to a bunch.

(b) "Jumbo" means 15 to 20 stalks to a bunch.

(c) "Extra select" means 21 to 28 stalks to a bunch.

(d) "Select" means 29 to 42 stalks to a bunch.

(e) "Extra fancy" means 43 to 67 stalks to a bunch.

(f) "Fancy" means 68 to 100 stalks to a bunch.

SEC. 5. Section 44762 of the Agricultural Code is repealed.

SEC. 6. Section 44764 of the Agricultural Code is amended to read:

44764. The number of stalks of asparagus which are packed in bunches shall not vary more than 10 percent from the count of the bunch designation as marked, except that one bunch in standard containers number 51, 51A, or 52, or 10 percent, by count, of the bunches in any other container or bulk lot, may exceed this tolerance.

SEC. 7. Section 44811 of the Agricultural Code is amended to read:

44811. Except as otherwise provided in Section 44812, asparagus which is packed in bunches that weigh not less than two pounds per bunch shall be in standard containers number 51, 51A, or 52.

SEC. 8. Section 44841 of the Agricultural Code is amended to read:

44841. Every container of asparagus, including consumer packages, shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first packed or authorized the packing of the asparagus, or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer.

(b) White asparagus packed as provided in Section 44704, shall be marked on each container with the word "white" in letters not less than one-half inch in height.

(c) Except as otherwise provided in Section 44842, every master container of asparagus shall contain one of the size designations which are defined in Section 44732 or one of the bunch designations defined in Section 44761, shown in letters which are not less than one-half inch in height.

SEC. 9. Section 44842 of the Agricultural Code is amended to read:

44842. Asparagus which is badly crooked and marked with the designation "crooks" need not bear any bunch or size designation terms.

SEC. 10. Section 44843 of the Agricultural Code is repealed.

SEC. 11. Section 44844 of the Agricultural Code is repealed.

SEC. 12. Section 44845 of the Agricultural Code is amended to read:

44845. All markings which are required by this article, which are on containers less than one-half the size of standard containers numbers 51, 51A, and 52 may be in letters which are smaller than one-half of an inch in height, if such markings are in plain sight and in plain letters.

SEC. 13. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The harvest season for asparagus will begin shortly and it is necessary that these new standards and standard containers go into immediate effect to insure a maximum utilization of this year's asparagus crop.

CHAPTER 33

An act to add Section 54931.10 to the Government Code, relating to fire protection districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 27, 1970. Filed with
Secretary of State March 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 54931.10 is added to the Government Code, to read:

54931.10. Notwithstanding Sections 54902 and 54903 or any other provisions of this chapter, any annexation by a fire protection district of the entire territory of an existing fire protection district or the inclusion of a city within an existing fire protection district shall be effective for assessment and taxation purposes for the 1970-71 fiscal year if the statement and map or plat required by Section 54900 are filed with the assessor and the State Board of Equalization on or before May 15, 1970, and the certificate of completion required by Section 56454 is filed with the Secretary of State on or before May 15, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately certain fire protection districts which have recently annexed territory will not be able to levy taxes on the annexed territory for the 1970-71 fiscal year to cover the cost of fire protection services to be furnished the territory.

CHAPTER 34

An act to add Section 17530.5 to the Business and Professions Code, relating to income taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1970. Filed with Secretary of State March 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17530.5 is added to the Business and Professions Code, to read:

17530.5. (a) It is a misdemeanor for any person, including an individual, firm, corporation, association, partnership, joint venture, or any employee or agent therefor, to disclose any information obtained in the business of preparing federal or state income tax returns or assisting taxpayers in preparing such returns, unless such disclosure is within any of the following:

(1) Consented to in writing by the taxpayer in a separate document.

(2) Expressly authorized by state or federal law.

(3) Necessary to the preparation of the return.

(4) Pursuant to court order.

(b) For the purposes of this section, a person is engaged in the business of preparing federal or state income tax returns or assisting taxpayers in preparing such returns if he does either of the following:

(1) Advertises, or gives publicity to the effect that he prepares or assists others in the preparation of state or federal income tax returns.

(2) Prepares or assists others in the preparation of state or federal income tax returns for compensation.

(c) Contacting a taxpayer to obtain his written consent to disclosure does not constitute a violation of this section.

SEC. 2. The Legislature finds that taxpayers seeking assistance from persons in the business of preparing income tax returns should be assured that the information they must necessarily disclose will be maintained in the strictest confidence and only used for the purposes for which it is disclosed. The Legislature is especially mindful of the dangers of the sale or transfer of such information for commercial use on a grand scale in view of the extensive use made of computers in the business of preparing income tax returns. For these purposes, the Legislature enacts Section 17530.5 of the Business and Professions Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to protect taxpayers now in the process of having their 1969 income tax returns prepared, it is necessary that this act take immediate effect.

CHAPTER 35

An act to amend Section 5352 of the Welfare and Institutions Code, relating to conservatorship.

[Approved by Governor March 31, 1970. Filed with
Secretary of State April 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5352 of the Welfare and Institutions Code is amended to read:

5352. When the professional person in charge of an agency providing comprehensive evaluation or a facility providing intensive treatment determines that a person in his care is gravely disabled as a result of mental disorder or impairment by chronic alcoholism and is unwilling to accept, or incapable of accepting, treatment voluntarily, he may recommend conservatorship to the officer providing conservatorship investigation of the county of residence of the person prior to his admission as a patient in such facility.

If the officer providing conservatorship investigation concurs with the recommendation, he shall petition the superior court in the county of residence of the patient, pursuant to Probate Code Sections 1754 and 2051, to establish conservatorship.

Where temporary conservatorship is indicated, the fact shall be alternatively pleaded in the petition and filed under Probate Code Section 1754. The officer providing conservatorship investigation or other county officer or employee designated by the county shall act as the temporary conservator.

The procedure for the establishment of conservatorship shall be pursuant to Probate Code Section 1751.

CHAPTER 36

An act to amend Sections 9160 and 9164 of the Elections Code, relating to state central committees.

[Approved by Governor March 31, 1970. Filed with
Secretary of State April 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9160 of the Elections Code is amended to read:

9160. The state central committee shall consist of:

(a) All delegates to the state convention other than those specified in subdivision (1) of Section 9010.

(b) The chairman of each county central committee of the party.

(c) Members appointed pursuant to this part.

(d) The national committeeman and national committee-woman of the party.

(e) Any person elected or appointed to fill a vacancy in a partisan office.

(f) Immediate past chairman of this committee.

SEC. 2. Section 9164 of the Elections Code is amended to read:

9164. Any person who is a member of this committee by virtue of having been elected or appointed to fill a vacancy in a partisan office, shall within 60 days of his election or appointment, appoint additional members to the committee in the same manner as delegates to the state convention make such appointments.

CHAPTER 37

An act to add Section 4580.5 to the Public Resources Code, relating to forest practice, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1970. Filed with
Secretary of State April 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4580.5 is added to the Public Resources Code, to read:

4580.5. The board, upon a finding of an emergency, may on its own motion adopt temporary rules which shall be effective for a period not to exceed 120 days. Such rules shall become permanent upon adoption in accordance with procedures for amending forest practice rules.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Timberlands are being irreparably damaged and in order to prevent further damage new or revised forest practice rules or forest management plans are urgently needed and it is therefore essential that this act take effect immediately.

CHAPTER 38

An act to amend Section 6349 of the Business and Professions Code, relating to law libraries.

[Approved by Governor April 3, 1970. Filed with
Secretary of State April 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6349 of the Business and Professions Code is amended to read:

6349. Each board of law library trustees, on or before the 15th day of August of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the 30th day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest.

CHAPTER 39

An act to add Section 4794.5 to the Health and Safety Code, relating to county sanitation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1970. Filed with
Secretary of State April 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4794.5 is added to the Health and Safety Code, to read:

4794.5. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county and the regional water quality control board for the area in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendations and a finding that such threat to the public health and safety exists is stated in the resolution calling the election, and such resolution is adopted by a four-fifths vote of the district board.

This section shall remain in effect until January 1, 1971.

This section shall be applicable only to the Alpine Sanitation District located within the County of San Diego.

The Legislature finds and declares that special problems of sanitation exist in the County of San Diego in that the extremely rapid growth in population and the rapid opening of large tracts of land to residential development have caused serious difficulties involving the disposal of sewage. Furthermore, the San Diego Regional Water Quality Control Board has resolved to restrict further discharge of effluents by a district in that county, and due to the failure by a small number of votes of a bond election, such district has been unable to acquire property and construct needed sanitation facilities.

These problems are not, however, common to all areas of the state in which county sanitation districts are located. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of the Alpine Sanitation District located within San Diego County.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The San Diego Regional Water Quality Control Board has resolved to restrict further discharge of effluents by a certain county sanitation district, and, due to the failure of a bond election by a small number of votes, such district has been unable to acquire property and construct needed sanitation facilities to properly dispose of their effluents, which presents a serious and dangerous threat to the health and safety of the residents of the Alpine Sanitation District located within San Diego County.

To meet this critical problem, it is imperative that this act go into immediate effect.

CHAPTER 40

An act to amend Section 6349 of the Business and Professions Code, relating to law libraries.

[Approved by Governor April 3, 1970 Filed with
Secretary of State April 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6349 of the Business and Professions Code is amended to read:

6349. Each board of law library trustees, on or before the 15th day of August of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the 30th day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest.

CHAPTER 41

An act to amend Section 1530 of the Evidence Code, relating to evidence of writings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1970. Filed with Secretary of State April 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1530 of the Evidence Code is amended to read:

1530. (a) A purported copy of a writing in the custody of a public entity, or of an entry in such a writing, is prima facie evidence of the existence and content of such writing or entry if:

(1) The copy purports to be published by the authority of the nation or state, or public entity therein in which the writing is kept;

(2) The office in which the writing is kept is within the United States or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands, and the copy is attested or certified as a correct copy of the writing or entry by a public employee, or a deputy of a public employee, having the legal custody of the writing; or

(3) The office in which the writing is kept is not within the United States or any other place described in paragraph (2) and the copy is attested as a correct copy of the writing or entry by a person having authority to make attestation. The attestation must be accompanied by a final statement certifying the genuineness of the signature and the official position of (i) the person who attested the copy as a correct copy or (ii) any foreign official who has certified either the genuineness of the signature and official position of the person attesting the copy or the genuineness of the signature and official position of another foreign official who has executed a similar certificate in a chain of such certificates beginning with a certificate of the genuineness of the signature and official position of the person attesting the copy. Except as provided in the next sentence, the final statement may be made only by a secretary of an embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. Prior to January 1, 1971, the final statement may also be made by a secretary of an embassy or legation, consul general, consul, vice consul, consular agent, or other officer in the foreign service of the United States stationed in the nation in which the writing is kept, authenticated by the seal of his office. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the court may, for good cause shown, (i)

admit an attested copy without the final statement or (ii) permit the writing or entry in foreign custody to be evidenced by an attested summary with or without a final statement.

(b) The presumptions established by this section are presumptions affecting the burden of producing evidence.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In some situations, it now is impossible to satisfy the basic requirement of paragraph (3) of subdivision (a) of Section 1530 of the Evidence Code because there is no United States official in the particular foreign country (such as East Germany) who can make the final statement required by paragraph (3). As a result, it may be impossible in some situations to establish such matters as birth, legitimacy, marriage, death, or a will. This may result in injustice or in delay in the resolution of issues now pending in California courts. Therefore, it is necessary that this act take immediate effect.

CHAPTER 42

An act to add Section 54933.2 to the Government Code, relating to city annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 3, 1970. Filed with
Secretary of State April 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 54933.2 is added to the Government Code, to read:

54933.2. Notwithstanding any other provision of this chapter, any annexation by a city, the proceedings for which were completed on February 2, 1970, shall be effective for assessment and taxation purposes for the 1970-71 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before March 15, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately, a city which has annexed territory and otherwise qualifies to levy taxes in the territory except for a procedural filing defect will not be able to levy taxes in the annexed territory for the fiscal year to cover the cost of services being furnished the territory.

CHAPTER 43

An act to amend Section 3612 of the Public Utilities Code, relating to dump truck carriers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1970. Filed with Secretary of State April 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3612 of the Public Utilities Code is amended to read:

3612. (a) Application for permits to operate as a dump truck carrier shall be in writing, verified under oath, and shall be in such form, contain such information, and be accompanied by proof of service upon such interested parties as the commission requires.

(b) Any dump truck carrier engaged in business as such on the effective date of this section shall file with the commission prior to March 16, 1970, an application for a permit to operate as a dump truck carrier; provided, that in lieu of all other fees required by law, the applicant shall pay a fee of twenty-five dollars (\$25). The commission shall issue such permit authorizing operation within the area requested in the application without further proceedings.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: many dump truck carriers have inadvertently missed the filing date of January 1, 1970, which results in undue prejudice to such carriers.

CHAPTER 44

An act relating to school district taxation, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 13, 1970. Filed with Secretary of State April 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. If the governing board of a school district authorized the levy and collection of a tax in the 1969-1970 fiscal year for community services purposes pursuant to the provisions of Section 20801 of the Education Code, but such tax was not, in fact, collected during the 1969-1970 fiscal year, the amount of the maximum tax rate for either one of the next two succeeding fiscal years may be increased by an amount sufficient to produce such authorized, but uncollected, amount.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Legislature has authorized the levy and collection of school district taxes at certain rates and for certain purposes. When, through inadvertence, a school district is deprived of its authorized revenues, it is essential that such deprivation be compensated for at the earliest possible time in order to permit the orderly functioning of school district finances, in accordance with the intent of the Legislature.

CHAPTER 45

An act to repeal Section 715.8 of the Civil Code, relating to interests in property.

[Approved by Governor April 13, 1970. Filed with
Secretary of State April 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 715.8 of the Civil Code is repealed.

SEC. 2. The repeal of Section 715.8 of the Civil Code by this act shall not affect the validity of any interest in real or personal property which is valid before the effective date of this act.

CHAPTER 46

An act to amend Section 20803 of the Education Code, relating to school district maximum tax rate elections.

[Approved by Governor April 13, 1970. Filed with
Secretary of State April 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20803 of the Education Code is amended to read:

20803. Any maximum rate of tax for any district may be increased and, having been increased, may be decreased by an amount equal to or less than the amount of such increase, by a majority vote of the qualified electors of the school district at an election which may be ordered by the governing board of the school district of its own motion and shall be ordered within 90 days after the filing with the governing board of a petition signed by not less than 10 percent of the registered voters of the district, requesting that an election be ordered, unless the petitioners request that the election be consolidated with the annual election for members of the governing board, or that the election be consolidated with the general election.

Any decrease in an increased maximum tax rate pursuant to this section shall not be in an amount which will reduce the tax rate for the district below the maximum specified in Section 20751. The governing board shall determine whether the increase or decrease shall remain in effect for a specified or unspecified period of time, unless the petition filed by the electors provides for a specified or unspecified period of time. If a specified period is provided for in the petition or determined upon by the governing board, such period shall be stated on the ballot.

Pursuant to the order of the governing board, the election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 of Division 4 of this code.

The specification of the election order shall contain the information provided in Section 1323 of this code and shall be furnished the county superintendent of schools by the governing board of the district for all maximum tax increase or decrease elections ordered by it.

The costs incurred by the county clerk or registrar of voters and the county superintendent of schools in connection with this section shall be paid out of the funds of the district.

Except as otherwise herein provided, the ballot used in the election shall contain substantially the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ (\$_____) to _____ (\$_____) for each one hundred dollars (\$100) of assessed valuation of property, such rate to be in effect in the _____ School District for the school year (or years) 19__ to 19__, the revenues of which are to be used for _____, be authorized?" or the words "Shall the proposed (increase decrease) in the maximum tax rates from _____ (\$_____) to _____ (\$_____) for each one hundred dollars (\$100) of assessed valuation of property commencing on _____, such rate to be in effect in the _____ School District for the school years commencing 19__, the revenues of which are to be used for _____, be authorized?" Opposite such words, in separate lines, the words "Yes" and "No" shall be printed, with a voting square opposite each such word. If, at any prior election held in the district, the maximum tax rate of the district was increased for a specified period of time, and if the election is called for the purpose of continuing in effect the previously authorized increase in the maximum tax rate of the district, the ballot shall contain substantially the words "Shall the existing maximum tax rate of _____ (\$_____) for each one hundred dollars (\$100) of assessed valuation of property be continued in the _____ School District for the school years 19__ to 19__, the revenues of which are to be used for _____" Opposite such words in separate lines, the words "Yes" and "No" shall be printed with a voting square opposite each such word. Each voter shall stamp a cross in the voting square after the answer he desires to give.

Whenever the maximum tax rate of a school district is increased for either a specified or unspecified period of time and during such period an election is called for the purpose of further increasing the maximum tax rate of the district, the ballot used in the election shall show only the authorized maximum tax rate of the district in effect at the time of the election and the proposed maximum tax rate.

If an election for a decrease in an increased maximum tax rate of a district is held in any year prior to or concurrently with the district election for governing board members, any decrease adopted at such election shall become effective on July 1st following the election. If an election for a decrease in an increased tax rate of a district is held in any year after the date of the district election for governing board members, any decrease adopted at such election shall not become effective until July 1st of the next succeeding year.

CHAPTER 47

An act to amend Section 1533 of the Penal Code, relating to search warrants.

[Approved by Governor April 14, 1970. Filed with
Secretary of State April 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1533 of the Penal Code is amended to read:

1533. Upon a showing of good cause, the magistrate may, in his discretion, insert a direction in a search warrant that it may be served at any time of the day or night. In the absence of such a direction, the warrant shall be served only between the hours of 7 o'clock a.m. and 10 o'clock p.m.

CHAPTER 48

An act to amend Section 26205 of the Government Code, relating to official records.

[Approved by Governor April 15, 1970. Filed with
Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26205 of the Government Code is amended to read:

26205. At the request of the county officer concerned, the board of supervisors of any county may authorize the destruction of any record, paper, or document which is not expressly

required by law to be filed and preserved if all of the following conditions are complied with:

(a) The record, paper, or document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, or reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards;

(b) The device used to reproduce such record, paper, or document on film is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, electronically recorded video images on magnetic surfaces, or other reproductions on film are placed in conveniently accessible files and provision is made for preserving, examining, and using the same.

Notwithstanding any other provision of this section, destruction of the original records, papers, or documents is not authorized when the method of reproduction pursuant to this section is reproduction of electronically recorded video images on magnetic surfaces unless a duplicate video tape of such images is separately maintained.

CHAPTER 49

An act to amend Section 9850 of the Public Resources Code, relating to soil conservation.

[Approved by Governor April 15, 1970. Filed with Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9850 of the Public Resources Code is amended to read:

9850. For purposes of cooperating with landowners or for purposes of cooperating with the United States under provisions of the Watershed Protection and Flood Prevention Act (Chapter 656, Public Law 566, 83d Cong., 2d Session), and all acts amendatory thereof or supplementary thereto, lands which need not be contiguous may be formed into an improvement district for constructing, both in or for the improvement district, one or more of the following:

(a) Flood prevention improvements, including structural and land-treatment measures.

(b) Improvements for the agricultural phases of conservation, development, utilization, drainage disposal, and distribution of water.

(c) Improvements for prevention or stabilization of soil erosion.

CHAPTER 50

An act to add Section 3967 to, and to amend Section 3960 of, the Agricultural Code, relating to district agricultural associations.

[Approved by Governor April 15, 1970. Filed with Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3960 of the Agricultural Code is amended to read:

3960. The term of office of each director, except that of a member of the first board, is four years from the beginning of the term for which he is appointed. Any vacancy shall be filled for the unexpired term.

SEC. 2. Section 3967 is added to the Agricultural Code, to read:

3967. Any director who misses three consecutive regular meetings of the board without the permission of the board is deemed to have resigned as a director.

CHAPTER 51

An act to amend Sections 7830, 7841, and 7842 of the Business and Professions Code, relating to geologists, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1970. Filed with Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7830 of the Business and Professions Code is amended to read:

7830. After June 30, 1970, it is unlawful for anyone other than a geologist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geologist or registered certified specialty geologist, or to use in any manner the title "registered geologist" or the title of any registered certified specialty geologist unless registered, or registered and certified, hereunder.

SEC. 2. Section 7841 of the Business and Professions Code is amended to read:

7841. An applicant for registration as a geologist shall have all the following qualifications:

(a) Be of good moral character.

(b) Meet one of the following educational requirements fulfilled at a school or university whose geological curricula meet criteria established by rules of the board:

(1) Graduation with a major in geology.

(2) Completion of 30 semester units in geological science courses leading to a major in geology, of which at least 24 units are in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geological work which shall include either a minimum of three years of professional geological work under the supervision of a registered geologist or a registered civil or petroleum engineer, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is under the supervision of a qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four years towards meeting the requirement for at least seven years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination.

SEC. 3. Section 7842 of the Business and Professions Code is amended to read:

7842. An applicant for certification in a specialty shall meet all of the requirements of Section 7841 and, in addition, his seven years of professional geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist registered in the specialty for which he is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking registration as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking registration as a petroleum geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking registration as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking registration as a petroleum geologist.

(b) A minimum of five years' experience in responsible charge of geological work in the specialty for which the applicant is seeking certification.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State Board of Registration for Geologists has received far more applications for licensing under the "grandfather" provisions of the Geology Act than was anticipated and needs more time to process these applications. In order that persons whose applications have not been acted on are not prematurely prevented from the use of the title "registered geologist," it is necessary that this act go into immediate effect.

CHAPTER 52

An act to add Article 12 (commencing with Section 8490) to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, relating to crayfish.

[Approved by Governor April 15, 1970. Filed with
Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 12 (commencing with Section 8490) is added to Chapter 2 of Part 3 of Division 6 of the Fish and Game Code, to read:

Article 12. Crayfish

8490. No crayfish taken from Lake Tahoe or the Lake Tahoe Basin may be sold or purchased.

CHAPTER 53

An act to amend Section 26101 of the Government Code, relating to expenditures for county advertising purposes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 15, 1970. Filed with
Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26101 of the Government Code is amended to read:

26101. If the rate of four cents (\$0.04) will not raise fifty thousand dollars (\$50,000) in any one year, the board may appropriate from the general fund of the county an amount

sufficient to make up the deficiency existing between the amount raised as the result of the four-cent (\$.04) levy and fifty thousand dollars (\$50,000).

The board may also in addition appropriate for the purposes of this chapter any moneys accruing to the general fund derived pursuant to Section 51030 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this bill takes effect immediately, a number of counties in the state will be unable to provide sufficient funds for the proper promotion of trade and commerce within the county.

CHAPTER 54

An act to add Section 6546.5 to the Government Code, relating to revenue bonds, to take effect immediately, urgency statute.

[Approved by Governor April 15, 1970. Filed with
Secretary of State April 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6546.5 is added to the Government Code, to read:

6546.5. In addition to other powers, any agency, commission, or board provided for by a joint powers agreement entered into prior to January 1, 1971, between the County of San Bernardino and any city thereof, pursuant to Article 1, if such entity has the power to acquire, construct, maintain, or operate sanitary sewer facilities, including, but not limited to, sanitary sewage treatment plants, and such other sanitary sewerage facilities as may be necessary in connection therewith, may, if the county health officer and the appropriate city health officer or officers, if any, determine that an immediate health hazard exists with respect to sewage, issue revenue bonds pursuant to this article to pay for the acquisition or construction of such facilities.

The Legislature finds and declares that unique problems of sanitation exist in the County of San Bernardino in that the extremely rapid growth in population and the rapid opening of large tracts of land to residential development have caused serious difficulties involving the disposal of sewage which threaten to cause the ordering of cessation of all new construction in many areas unless means are quickly found to provide for the disposal of sewage therein.

The Legislature further finds and declares that federal funding, which is presently available to alleviate this critical problem, may be lost unless immediate steps are authorized to be taken at the local level.

These problems are not, however, common to all areas of the state. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of San Bernardino County.

This section shall be of no further force or effect after January 1, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to rapid growth of population in certain areas there is a critical need for cooperation between public agencies in the acquisition, construction, maintenance and operation of sanitary sewerage facilities. To meet this critical problem, it is imperative that this act go into effect immediately.

CHAPTER 55

An act to amend Section 34090.5 of the Government Code, relating to conditions for the destruction of public records.

[Approved by Governor April 20, 1970 Filed with
Secretary of State April 20, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 34090.5 of the Government Code is amended to read:

34090.5. Notwithstanding the provisions of Section 34090, the city officer having custody of public records, documents, instruments, books, and papers, may, without the approval of the legislative body or the written consent of the city attorney, cause to be destroyed any or all of such records, documents, instruments, books, and papers, if all of the following conditions exist:

(a) Five years have elapsed since the last day of the fiscal or calendar year in which such record, document, instrument, book, or paper was prepared.

(b) Such record, document, instrument, book, or paper is not, in the opinion of the officer having custody of it, of sufficient historical, administrative, legal, fiscal, research, or other value, to justify its retention in its original form.

(c) The officer having custody of such record, document, instrument, book or paper, maintains for the use of the public a microphotographic film print, or copy, of each such record, document, instrument, book, or paper destroyed, prepared pursuant to the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(d) The officer having custody promptly seals and stores at least one original negative of each such microphotographic film in a manner and place reasonably calculated to assure its preservation indefinitely against loss, theft, defacement, or destruction.

CHAPTER 56

An act to amend Section 7 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), relating to the Placer County Water Agency.

[Approved by Governor April 22, 1970. Filed with
Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is amended to read:

Sec. 7. (a) The board of supervisors of the county shall be ex officio the board of directors of the agency. The board of directors may adopt reasonable rules and regulations to carry out its powers and duties. Each member of the board of supervisors shall serve as a member of said board of directors without additional compensation, except such member shall be allowed his actual, necessary and reasonable traveling expenses. The board of directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their records, select one of their number to act as temporary chairman. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members concur therein.

(b) The board of directors may create by resolution an advisory council to assist and advise the board of directors. The council will consist of five members appointed by and serving at the pleasure of the board of directors. Each council member shall receive the sum of twenty-five dollars (\$25) for each meeting of the council attended by him, not exceeding two meetings per month, plus his actual, necessary, and reasonable traveling expenses.

CHAPTER 57

An act to amend Section 200 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor April 22, 1970. Filed with Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; a Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, practicing chiropractor, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company; or peace officers designated pursuant to Section 830.1 and subdivision (a) of Section 830.2 of the Penal Code;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent

under subdivision (d), (e), or (f) of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

16. Employed by the Legislature, or either house thereof, or any committee thereof, including, but not limited to, a joint committee.

CHAPTER 58

An act to amend Sections 68097, 68097.5, 68097.6, 68097.7, 68097.9, and 68097.10 of the Government Code, relating to witnesses in civil cases.

[Approved by Governor April 22, 1970. Filed with
Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 68097 of the Government Code is amended to read:

68097. Witnesses in civil cases may demand the payment of their mileage and fees for one day, in advance, and when so demanded shall not be compelled to attend until the allowances are paid except as hereinafter provided for members of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals and city policemen.

SEC. 2. Section 68097.5 of the Government Code is amended to read:

68097.5. No member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097.1, 68097.2, 68097.3 and 68097.4, or the day upon which such witness appeared pursuant to the provisions of Section 68097.9, unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance.

SEC. 3. Section 68097.6 of the Government Code is amended to read:

68097.6. The provisions of Sections 68097.1, 68097.2, 68097.3, 68097.4 and 68097.5 of this code shall be applicable to subpoenas issued for the taking of depositions of members

of the California Highway Patrol, sheriffs, deputy sheriffs, marshals, deputy marshals, or city policemen pursuant to Section 2019 of the Code of Civil Procedure.

SEC. 4. Section 68097.7 of the Government Code is amended to read:

68097.7. Any person who pays or offers to pay any money or other form of consideration for the services of any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman as a witness in any action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties in any manner other than as provided in Sections 68097.1, 68097.2, 68097.3, 68097.4, 68097.5 and 68097.6 is guilty of a misdemeanor and any member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who asks or receives any such payment except as provided in Sections 68097.2 and 68097.4 is likewise guilty of a misdemeanor.

SEC. 5. Section 68097.9 of the Government Code is amended to read:

68097.9. A member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman who has been subpoenaed pursuant to the provisions of Section 68097.1, 68097.3, or 68097.6, may, in lieu of attendance at the time specified in the subpoena, agree with the party at whose request such subpoena was issued to appear at another time or pursuant to such notice as may be agreed upon.

SEC. 6. Section 68097.10 of the Government Code is amended to read:

68097.10. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff, marshal, deputy marshal or city policeman appears as a witness pursuant to Section 68097.1 and reimbursement is not made as provided for in Section 68097.2, then the California Highway Patrol, or the public entity employing the sheriff, deputy sheriff, marshal, deputy marshal or city policeman shall have standing to bring an action in order to recover such funds.

CHAPTER 59

An act to add Section 53064 to the Government Code and to add Section 1047 to the Education Code, relating to competitive bidding.

[Approved by Governor April 22, 1970. Filed with
Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 53064 is added to the Government Code, to read:

53064. Notwithstanding any other provision of law, in the event there are two or more identical lowest or highest bids, as the case may be, submitted to a local agency for the purchase, sale, or lease of real property, supplies, materials, equipment, services, bonds, or the awarding of any contract, pursuant to a provision requiring competitive bidding, the local agency may determine by lot which bid shall be accepted. "Local agency" shall include any city, county, city and county, or public district.

SEC. 2. Section 1047 is added to the Education Code, to read:

1047. Notwithstanding any other provision of law, in the event there are two or more identical lowest or highest bids, as the case may be, submitted to a school district for the purchase, sale, or lease of real property, supplies, materials, equipment, services, bonds, or the awarding of any contract, pursuant to a provision requiring competitive bidding, the governing board of any school district may determine by lot which bid shall be accepted.

CHAPTER 60

An act to amend Section 4654 of the Public Resources Code, relating to state forests.

[Approved by Governor April 22, 1970. Filed with
Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4654 of the Public Resources Code is amended to read:

4654. There shall be paid to each county in which lands acquired for state forest purposes are situated, out of funds hereafter made available for such purpose, an amount equivalent to taxes levied by the county on similar land similarly situated in the county in the same manner as provided in the Revenue and Taxation Code for secured property tax payments as long as the state continues to own the land. Such payments shall be based only upon the value of the forest lands used for purposes of continuous commercial forest production and not upon value of such forest land used for any other purposes, including any improvements on such lands. Determination of what constitutes similar land similarly situated shall be made by a committee consisting of the county assessor of the county in which the land is located, a representative of the State Board of Equalization and a representative of the State Forester.

The money received by any county pursuant to this section may be expended by it for any proper state purpose not prohibited by the State Constitution.

CHAPTER 61

An act to amend Section 1141 of the Probate Code, relating to duty of public administrator to procure letters and bond.

[Approved by Governor April 22, 1970. Filed with Secretary of State April 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1141 of the Probate Code is amended to read:

1141. When a public administrator takes charge of an estate which he is entitled to administer, without letters of administration being issued, or under order of the court, he must, with all convenient dispatch, procure letters of administration thereon, in like manner and on like proceedings as letters of administration are issued to other persons. His official bond and oath are in lieu of the administrator's or executor's bond and oath on the grant of special letters of administration, or general letters of administration, or letters of administration with the will annexed, or letters testamentary; but when real property is sold, another bond may be required by the court, as in the case of other administrators.

CHAPTER 62

An act to amend Section 23112 of the Vehicle Code, relating to highways.

[Approved by Governor April 23, 1970. Filed with Secretary of State April 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23112 of the Vehicle Code is amended to read:

23112. (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous or offensive matter of any kind.

(b) No person shall place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

(c) Any person who violates this section shall upon conviction thereof be punished by a fine of not less than twenty-five

dollars (\$25). No part of such fine shall be suspended. The court may permit the fine required by this section to be paid in installments if the court determines that the defendant is unable to pay the fine in one lump sum.

CHAPTER 63

An act to amend Sections 2752 and 2754 of, and to repeal Section 2753 of, the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor April 23, 1970. Filed with Secretary of State April 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2752 of the Revenue and Taxation Code is amended to read:

2752. Notwithstanding the provisions of Sections 1757, 2605, 2606, 2617, 2618, 2619, 2621, 2622, 2623, 2624, 2625 and 2626 of this code, if so ordered by a resolution of the board of supervisors of any county, the provisions of this chapter shall be applicable to such county, provided that such resolution must be adopted prior to the time the county auditor is required to compute and enter on the secured roll the respective amounts due in installments as taxes for the assessment year in which such resolution shall become effective. The provisions of this chapter shall then continue in effect in such a county until otherwise ordered by a resolution of the board of supervisors.

SEC. 2. Section 2753 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 2754 of the Revenue and Taxation Code is amended to read:

2754. (a) On or before September 10, the auditor shall deliver the secured roll to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that I received the assessment roll from the assessor with his affixed affidavit; that I have corrected it as required by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes, as required by law."

If the roll is a machine-prepared roll, the auditor shall deliver the assessment roll to the assessor and shall deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

"I, _____, Auditor of _____ County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the County and State Boards of Equalization; and that I have reckoned the respective sums

due as taxes and have added the columns of valuations and taxes as required by law.”

(b) If the roll is a machine-prepared roll, and the tax bills are, with the consent of the tax collector and the approval of the board of supervisors, also machine-prepared by the auditor, the auditor shall, on or before the fourth Monday of September deliver the assessment roll to the clerk of the local board of equalization and shall, on or before September 10 deliver the roll on which he has extended taxes to the tax collector, with an affixed affidavit, subscribed by him, as follows:

“I, -----, Auditor of ----- County, swear that the attached roll is a reproduction of the roll prepared by the assessor and corrected by the State Board of Equalization; and that I have reckoned the respective sums due as taxes and have added the columns of valuations and taxes as required by law.”

CHAPTER 64

An act to amend Section 3507 of the Government Code, relating to public employee organizations.

[Approved by Governor April 23, 1970. Filed with
Secretary of State April 24, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3507 of the Government Code is amended to read:

3507. A public agency may adopt reasonable rules and regulations after consultation in good faith with representatives of an employee organization or organizations for the administration of employer-employee relations under this chapter (commencing with Section 3500).

Such rules and regulations may include provisions for (a) verifying that an organization does in fact represent employees of the public agency (b) verifying the official status of employee organization officers and representatives (c) recognition of employee organizations (d) additional procedures for the resolution of disputes involving wages, hours and other terms and conditions of employment (e) access of employee organization officers and representatives to work locations (f) use of official bulletin boards and other means of communication by employee organizations (g) furnishing non-confidential information pertaining to employment relations to employee organizations (h) such other matters as are necessary to carry out the purposes of this chapter.

No public agency shall unreasonably withhold recognition of employee organizations.

For employees in the state civil service, rules and regulations in accordance with this section may be adopted by the State Personnel Board.

CHAPTER 65

*An act to amend Section 65302 of the Government Code,
relating to waste disposal facilities.*

[Approved by Governor April 28, 1970. Filed with
Secretary of State April 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, natural resources, recreation, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

CHAPTER 66

*An act to amend Section 22657 of the Vehicle Code,
relating to parked vehicles.*

[Approved by Governor April 28, 1970. Filed with
Secretary of State April 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22657 of the Vehicle Code is amended to read:

22657. Any regularly employed and salaried employee who is engaged in the direction of traffic or enforcement of parking

regulations when designated by the sheriff of any county or the chief of police of any city may remove a vehicle from a highway, except a freeway, under the following circumstances:

(a) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(b) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(c) When a vehicle is parked or left standing upon a highway for 72 or more consecutive hours in violation of a local ordinance authorizing removal.

(d) When a vehicle is illegally parked on a highway in violation of local ordinance forbidding standing or parking and the use of a highway or a portion thereof is necessary for the cleaning, repair or construction of the highway, or for the installation of underground utilities, and signs giving notice that such vehicle may be removed are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

(e) Where the use of the highway or any portion thereof is authorized by local authorities for a purpose other than the normal flow of traffic; or for the movement of equipment, articles or structures of unusual size; and the parking of such vehicle would prohibit or interfere with such use or movement and signs, giving notice that such vehicle may be removed, are erected or placed at least 24 hours prior to the removal by local authorities pursuant to ordinance.

(f) Where any vehicle is parked or left standing when local authorities by resolution or ordinance have prohibited such parking and have authorized the removal by ordinance. No vehicle may be removed unless signs are posted giving notice of the removal.

(g) When a vehicle is parked or left standing on a highway so as to obstruct the normal movement of traffic.

CHAPTER 67

An act to amend Section 3116 of, and to add Section 3123.5 to, the Health and Safety Code, relating to disease.

[Approved by Governor April 30, 1970 Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3116 of the Health and Safety Code is amended to read:

3116. When quarantine or isolation, either strict or modified, is established by a health officer, all persons shall obey his rules, orders, and regulations.

Sec. 2. Section 3123.5 is added to the Health and Safety Code, to read:

3123.5. If, pursuant to Section 3123, a modified isolation order is issued, and such order is not complied with, the local health officer may, in such instance, issue a strict isolation order.

CHAPTER 68

An act to amend Section 5350 of the Welfare and Institutions Code, relating to conservatorship.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5350 of the Welfare and Institutions Code is amended to read:

5350. A conservator of the person, of the estate, or of the person and the estate may be appointed for any person who is gravely disabled as a result of mental disorder or impairment by chronic alcoholism.

The procedure for establishing, administering and terminating conservatorship under this chapter shall be the same as that provided in Division 5 (commencing with Section 1701) of the Probate Code, except as follows:

(a) A conservator may be appointed for a gravely disabled minor.

(b) Appointment of a conservator under this part shall be subject to the list of priorities in Section 1753 of the Probate Code unless the officer providing conservatorship investigation recommends otherwise to the superior court.

(c) When a gravely disabled person already has a guardian or conservator, the superior court may appoint him or another person as conservator under the provisions of this chapter.

(d) The person for whom conservatorship is sought shall have the right to demand a jury trial on the issue whether he is gravely disabled. This right shall also apply in subsequent proceedings to reestablish conservatorship.

(e) As otherwise provided in this chapter.

CHAPTER 69

*An act to add Section 646 to the Evidence Code,
relating to evidence.*

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 646 is added to the Evidence Code, to read:

646. (a) As used in this section, "defendant" includes any party against whom the res ipsa loquitur presumption operates.

(b) The judicial doctrine of res ipsa loquitur is a presumption affecting the burden of producing evidence.

(c) If the evidence, or facts otherwise established, would support a res ipsa loquitur presumption and the defendant has introduced evidence which would support a finding that he was not negligent or that any negligence on his part was not a proximate cause of the occurrence, the court may, and upon request shall, instruct the jury to the effect that:

(1) If the facts which would give rise to a res ipsa loquitur presumption are found or otherwise established, the jury may draw the inference from such facts that a proximate cause of the occurrence was some negligent conduct on the part of the defendant; and

(2) The jury shall not find that a proximate cause of the occurrence was some negligent conduct on the part of the defendant unless the jury believes, after weighing all the evidence in the case and drawing such inferences therefrom as the jury believes are warranted, that it is more probable than not that the occurrence was caused by some negligent conduct on the part of the defendant.

CHAPTER 70

*An act to amend Section 1920 of the Health and
Safety Code, relating to dogs.*

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1920 of the Health and Safety Code is amended to read:

1920. In rabies areas:

(a) Every dog owner, after his dog attains the age of four months, shall no less than once every two years secure a license for said dog as provided by ordinance of the responsible city, city and county, or county. License fees shall be fixed by the

responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city or county, or county charter.

(b) Every dog owner, after his dog attains the age of four months, shall at such intervals of time not more often than once a year as may be prescribed by the department procure its vaccination by a licensed veterinarian with a canine anti-rabies vaccine approved by and in a manner prescribed by the state department.

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper or harbinger. Nothing in this chapter shall be construed to prevent the sale or transportation of a puppy four months old or younger.

(d) Any dog in violation of the provisions of this article, and such additional provisions as may be prescribed by any local governing body, shall be impounded as provided by local ordinance.

(e) It shall be the duty of the governing body of each city, city and county, or county to maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing the provisions of this section.

(f) It shall be the responsibility of each city, county, or city and county to provide dog vaccination clinics, or to arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in such clinics. No charge in excess of actual cost shall be made for any one vaccination at such clinic. No owner of a dog shall be required to have his dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice.

All public clinics shall be required to operate under antiseptic immunization conditions comparable to those used in the vaccination of human beings.

CHAPTER 71

An act to appropriate funds for a recreational facility at Kings Beach, in Placer County, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1970 Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum of four hundred twenty-five thousand dollars (\$425,000) from the Harbors and Watercraft Revolving Fund to the Department

of Navigation and Ocean Development for expenditure for land acquisition and development of a two-lane boat-launching ramp, parking area, and sanitary facilities at Kings Beach, in Placer County, pursuant to Section 70 of the Harbors and Navigation Code. The sum of two hundred sixteen thousand seven hundred fifty dollars (\$216,750) thereof represents the unencumbered balance of the appropriation made for such purpose in Item 352 of the Budget Act of 1969 and the sum of two hundred eight thousand two hundred fifty dollars (\$208,250) thereof represents additional funds which will be reimbursed to the state by the federal government through the Land and Water Conservation Funds program. Funds provided in this act shall be available until June 30, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and should go into immediate effect. The facts constituting such necessity are:

Item 352 of the Budget Act of 1969 included funds for land acquisition and the development of a two-lane boat-launching ramp, parking area, and sanitary facilities at Kings Beach in Placer County. Through error, this project was placed in the local assistance instead of the capital outlay section of the budget and it was held the land purchase was illegal in this case since Section 83 instead of Section 70 of the Harbors and Navigation Code applied. Time is very critical to this project because if the necessary lands are not purchased as soon as possible, this area may be lost for use as a public recreation area.

CHAPTER 72

An act to amend Section 9767 of, and to add Section 14913 to, the Government Code, relating to the publication of statutes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9767 of the Government Code is amended to read:

9767. The Office of State Printing shall print the number of copies of the statutes of each session prepared at the direction of the Department of General Services that the Joint Rules Committee determines is necessary.

Notwithstanding the provisions of Section 9768 or any other provision of law, printed copies of the statutes shall only be bound in the number determined by the Department of General Services to be necessary to meet the demand therefor.

SEC. 2. Section 14912 is added to the Government Code, to read:

14912. Notwithstanding any other provision of this article, the number of copies of statutes distributed to an authorized recipient shall not exceed the number requested by such recipient, or the number authorized by this article, whichever is the lesser.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The State Printer is presently required to print more copies of the statutes than are needed, resulting in great waste. In order to eliminate this result as soon as possible it is necessary for this act to have immediate effect.

CHAPTER 73

An act to amend Sections 24252, 24360.7, and 39437 of, and to add Section 39054.1 to, the Health and Safety Code, relating to air pollution control.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 24252 of the Health and Safety Code is amended to read:

24252. Any violation of any provision of this article or of any order, rule, or regulation of the air pollution control board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 2. Section 24360.7 of the Health and Safety Code is amended to read:

24360.7. Any violation of any provisions of this article or of any order, rule, or regulation of the board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

SEC. 3. Section 39054.1 is added to the Health and Safety Code, to read:

39054.1. No provision of this division, or of any order, rule or regulation of any local or regional authority, is a limitation on:

(a) The power of any local or regional authority to declare, prohibit or abate nuisances.

(b) The power of the Attorney General, at the request of a local or regional authority, the State Air Resources Board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) The power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) The right of any person to maintain at any time any appropriate action for relief against any private nuisance.

SEC. 4. Section 39437 of the Health and Safety Code is amended to read:

39437. Any violation of any provisions of this article or of any order, rule, or regulation of the regional board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

CHAPTER 74

An act to amend Section 26709 of the Vehicle Code, relating to vehicles.

[Approved by Governor April 30, 1970 Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 26709 of the Vehicle Code is amended to read:

26709. (a) Every motor vehicle registered in a foreign jurisdiction and every motorcycle subject to registration in this state shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

Every motor vehicle subject to registration in this state, except a motorcycle, shall be equipped with not less than two such mirrors, including one affixed to the left-hand side.

(b) The following described types of motor vehicles, of a type subject to registration, shall be equipped with mirrors on both the left- and right-hand sides of the vehicle so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of such vehicle:

(1) A motor vehicle so constructed or loaded as to obstruct the driver's view to the rear.

(2) A motor vehicle towing a vehicle and the towed vehicle or load thereon obstructs the driver's view to the rear.

(3) A bus or trolley coach.

(c) The provisions of subdivision (b) shall not apply to a passenger vehicle when the load obstructing the driver's view consists of passengers.

CHAPTER 75

An act to amend Section 395 of the Code of Civil Procedure, relating to venue.

[Approved by Governor April 30, 1970. Filed with Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 395 of the Code of Civil Procedure is amended to read:

395. (a) Except as otherwise provided by law and subject to the power of the court to transfer actions or proceedings as provided in this title, the county in which the defendants or some of them reside at the commencement of the action is the proper county for the trial of the action. If the action is for injury to person or personal property or for death from wrongful act or negligence, either the county where the injury occurs or the injury causing death occurs or the county in which the defendants, or some of them reside at the commencement of the action, shall be a proper county for the trial of the action. In a proceeding for dissolution of marriage, the county in which the petitioner has been a resident for three months next preceding the commencement of the proceeding is the proper county for the trial of the proceeding. When a defendant has contracted to perform an obligation in a particular county, either the county where such obligation is to be performed or in which the contract in fact was entered into or the county in which the defendant or any such defendant resides at the commencement of the action shall be a proper county for the trial of an action founded on such obligation, and the county in which such obligation is incurred shall be deemed to be the county in which it is to be performed unless there is a special contract in writing to the contrary. If none of the defendants reside in the state or if residing in the state and the county in which they reside is unknown to the plaintiff, the action may be tried in any county which the plaintiff may designate in his complaint, and, if the defendant is about to depart from the state, such action may be tried in any county where either of the parties reside or service is made. If any person is improperly joined as a defendant or has been made a defendant solely for the purpose of having the action tried in the county or judicial district where he resides, his residence shall not be considered in determining the proper place for the trial of the action.

(b) If within any such county there is a municipal or justice court having jurisdiction of the subject matter established in the judicial district in which the defendant or any defendant resides, in which the injury to person or personal property or the injury causing death occurs, or, in the cases hereinabove mentioned, in which the obligation was contracted to be performed, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county having jurisdiction of the subject matter is a proper court for the trial thereof.

CHAPTER 76

An act to amend Section 36600 of the Vehicle Code, relating to implements of husbandry.

[Approved by Governor April 30, 1970. Filed with Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 36600 of the Vehicle Code is amended to read:

36600. The limitations as to width as set forth in Chapter 2 (commencing with Section 35100) of Division 15 of this code do not apply to implements of husbandry incidentally operated, transported, moved, or towed over a highway.

When an implement of husbandry is transported or moved over a highway which is a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-aid Highway Act of 1956) as a load on another vehicle, if such load exceeds 96 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip.

When an implement of husbandry is transported or moved over any other highway as a load on another vehicle, if such load exceeds 120 inches in width, the vehicle and load shall not be operated for a distance in excess of 25 miles from the point of origin of the trip.

CHAPTER 77

An act to amend Section 17 of Chapter 52 of the Statutes of 1969, relating to storm damage, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1970. Filed with Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17 of Chapter 52 of the Statutes of 1969 is amended to read:

Sec. 17. Of the increased revenue derived from the increase in taxes provided for in this act and received in the Highway Users Tax Fund:

(a) Eighty percent shall be transferred to the Street and Highway Disaster Fund and be available for expenditure for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law, including the purposes provided for in Section 54160 of the Government Code, for the repair, restoration, or replacement of any local street, road, or bridge damaged or destroyed by storm and flood or flood conditions, including damage or destruction by flood conditions arising from tidal waves, occurring between November 1, 1968 and September 1, 1969; provided, that the local agency has applied to the State Allocation Board for an allocation of funds on or before May 15, 1970.

(b) Twenty percent shall be transferred to the State Highway Fund for expenditure, without regard to the provisions of Sections 188, 188.8, and 188.9 of the Streets and Highways Code, for the repair, replacement, or restoration of highways and bridges in the state highway system damaged or destroyed by storm and flood or flood conditions which have occurred between November 1, 1968 and September 1, 1969, to present-day standards and to accommodate present traffic.

(c) If the Governor, acting on the advice of the Departments of Finance and Public Works, determines that the transfer of an amount not to exceed one million dollars (\$1,000,000) from either subdivision (a) to subdivision (b) or from subdivision (b) to subdivision (a) of this section would result in an earlier termination of the temporary tax increases pursuant to the procedures of Sections 7351.6 and 8651.4 of the Revenue and Taxation Code, he may include in his proclamation terminating such temporary tax increases a finding that such amount should be so transferred. Thereupon, such amount shall be transferred in accordance with the proclamation.

(d) After the termination of the temporary tax increases pursuant to Sections 7351.6 and 8651.4 of the Revenue and Taxation Code, the Department of Finance shall determine the amount by which the increased revenue available for purposes described in subdivision (a) of this section exceeds the estimated amount of such funds that will be needed for purposes described in subdivision (a). Such amount or two million dollars (\$2,000,000), whichever is less, shall be available for purposes of subdivision (e) of this section in addition to the purposes for which it is already available.

(e) Notwithstanding any other provision of law, for all purposes of the Emergency Flood Relief Law (Art. 6 (commencing with Sec. 54150), Ch. 5, Pt. 1, Div. 2, Title 5 of the government Code), expenditures in excess of the average actual cost of snow removal for the five years immediately preceding the 1968-1969 fiscal year by each city and county (or, in the case of a city incorporated for less than such five years, expendi-

tures in excess of the average actual cost of snow removal for all the years of its incorporated existence immediately preceding the 1968-1969 fiscal year) for removal of snow which resulted from storms occurring between November 1, 1968, and September 1, 1969, less amounts received and to be received during the 1969-1970 fiscal year for snow removal pursuant to Sections 2107 and 2110 of the Streets and Highways Code, shall be considered to be for the repair or restoration of local streets, roads, or bridges, damaged or destroyed by storm and flood or flood conditions; except that the city or county must apply separately to the State Allocation Board for an allocation of funds for such snow removal purposes on or before May 15, 1970; and except that in lieu of the allocation formula set forth in subdivision (2)(a) of Section 54157 of the Government Code, the following provisions shall apply:

If the total amount of all such applications is less than the amount calculated pursuant to subdivision (d) of this section, allocations shall be made for the full amount of the applications. If the total amount of such applications is more than the amount calculated pursuant to subdivision (d) of this section the State Allocation Board shall apportion such available money to each city and county on the basis of the proportion to which its application bears to the total of all such applications for snow removal reimbursement. Amounts allocated pursuant to this subdivision shall be deducted by counties in computing their reimbursable snow removal costs pursuant to subdivision (d) of Section 2152 of the Streets and Highways Code. For purposes of this section, snow removal does not include the purchase of snow removal equipment.

(f) The application for snow removal assistance under subdivision (e) shall be accompanied by a certification of the actual cost of snow removal to, and the amount received pursuant to Sections 2107 and 2110 of the Streets and Highways Code for snow removal by, the city or county during the five years immediately preceding the 1968-1969 fiscal year. In the case of a city incorporated for less than such five years, the application under subdivision (e) shall be accompanied by a certification of the actual cost of snow removal to, and the amount received pursuant to Sections 2107 and 2110 of the Streets and Highways Code for snow removal by, such city during all the years of its incorporated existence immediately preceding the 1968-1969 fiscal year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the recent unprecedented storms in 1968 and 1969, snow removal expenditures by cities and counties are greater than reasonably can be borne by them, even with the allocation of state funds to them for such purpose under existing

laws. In order that money from revenues to be raised by the temporary one cent (\$.01) per gallon gas tax increase, pursuant to Chapter 52 of the Statutes of 1969, may be made available to assist the cities and counties in meeting these excessive snow removal costs, it is necessary that this act go into immediate effect.

CHAPTER 78

An act to add Section 14672.7 to the Government Code, relating to the leasing of state property.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 14672.7 is added to the Government Code, to read:

14672.7. Notwithstanding Section 14670, the Director of General Services, with the consent of the Director of Conservation, may lease to a nonprofit corporation, for the purposes of conducting organized group camping, outdoor recreation, and conservation education, and for a period not to exceed 30 years, a portion of those certain premises situated in the County of Mendocino, California, commonly known as the Mendocino Woodlands, containing approximately 640 acres. Any lease executed pursuant to this section shall include a provision that such lease shall be canceled if financial capability to carry out the terms of the lease is not demonstrated to the satisfaction of the Director of General Services and the Director of Conservation, jointly.

CHAPTER 79

An act to amend Sections 7326 and 8101 of, and to add Section 7330 to, the Welfare and Institutions Code, relating to mental patients.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7326 of the Welfare and Institutions Code is amended to read:

7326. Any person who willfully assists any judicially committed or remanded patient of a state hospital to escape, to attempt to escape therefrom, or to resist being returned from a leave of absence shall be punished by imprisonment in the

state prison for a period of not less than one year nor more than five years, a fine of not more than five thousand dollars (\$5,000), or both such imprisonment and fine; or by imprisonment in a county jail for a period of not more than one year, a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine.

SEC. 2. Section 7330 is added to the Welfare and Institutions Code, to read:

7330. Every person committed to a state hospital pursuant to Section 1370 of the Penal Code who is certified sane by the medical director of the state hospital pursuant to Section 1372 of the Penal Code, and who, prior to being taken by the sheriff from the state hospital in accordance with Section 1372 of the Penal Code, escapes or attempts to escape from the state hospital, or who escapes or attempts to escape while being conveyed from the state hospital, is punishable by imprisonment in the state prison for a period of not to exceed five years or in the county jail for a period of not to exceed one year.

SEC. 3. Section 8101 of the Welfare and Institutions Code is amended to read:

8101. Any person who shall knowingly supply, sell, give, or allow possession or control of any deadly weapon as defined in subdivision (f) of Section 3024 of the Penal Code to any person who is a mental patient in any public or private hospital or institution or on leave of absence from any such hospital or institution shall be punishable by imprisonment in a state prison for a period of not exceeding five years or in a county jail for a period of not exceeding one year, by a fine of not exceeding five hundred dollars (\$500), or by both such fine and imprisonment.

CHAPTER 80

An act to amend Section 1263 of the Civil Code, relating to homesteads.

[Approved by Governor April 30, 1970. Filed with Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1263 of the Civil Code is amended to read:

1263. The declaration of homestead must contain:

1. A statement showing that the person making it is the head of a family, and if the claimant is married, the name of the spouse; or, when the declaration is made by the wife, showing that her husband has not made such declaration and that she therefore makes the declaration for their joint benefit;

2. A statement that the person making it is residing on the premises, and claims them as a homestead;

3. A description of the premises;

4. Such declaration of homestead may further contain a statement of the character of the property sought to be homesteaded, showing the improvement or improvements which have been affixed thereto, with sufficient detail to show that it is a proper subject of homestead, and that no former declaration has been made, or, if made, that it has been abandoned or that the present claim of homestead is an augmentation of value of a former claim and is within the limits prescribed by subdivisions (1) or (2) of Section 1260 and if it contains such further statement and the declaration is supported by the affidavit of the declarant, annexed thereto, that the matters therein stated are true of his or her own knowledge, such declaration, when properly recorded, shall be prima facie evidence of the facts therein stated, and conclusive evidence thereof in favor of a purchaser or encumbrancer in good faith and for a valuable consideration.

CHAPTER 81

An act to amend Section 3507 of the Elections Code, relating to initiative measures

[Approved by Governor April 30, 1970 Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3507 of the Elections Code is amended to read:

3507. The date a summary of a proposed initiative measure is delivered or mailed by the Attorney General to the proponents is designated the "official summary date" for the proposed initiative measure. The Attorney General shall immediately notify the Secretary of State of that date and send the Secretary of State a copy of the summary. The Secretary of State immediately shall notify the county clerk of each county of the official summary date and mail a copy of the summary to each county clerk.

No petitions for a proposed initiative measure shall be circulated for signatures prior to the official summary date. First petitions with signatures on a proposed initiative measure shall be filed with the county clerk not later than 90 days from the official summary date, and no county clerk shall accept first petitions on the proposed initiative measure after that period. Supplemental petitions may be filed in accordance with Section 3522 in any county in which first petitions were filed.

CHAPTER 82

An act to repeal Chapter 4 (commencing with Section 26201) of Division 19 of the Education Code, relating to California Academies.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 26201) of Division 19 of the Education Code is repealed.

CHAPTER 83

An act to amend Section 16864 of the Education Code, relating to transportation of pupils to places of summer employment.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16864 of the Education Code is amended to read:

16864. The governing board of any school district may use and operate any bus owned or under lease to the district for the transportation of pupils to and from their places of employment during the summer in connection with any summer employment program for youth. The governing board shall require the payment of a reasonable charge for transportation so furnished. The governing board shall, in accordance with Section 1017, adequately insure against the liability of the district, members of the board, and officers and employees of the district in connection with the furnishing of such transportation.

CHAPTER 84

An act to amend Sections 16506, 53649, 53658, 53659, and 53679 of the Government Code, relating to deposits of public moneys, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1970. Filed with
Secretary of State April 30, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 16506 of the Government Code is amended to read:

16506. All money belonging to or in the custody of the state under the control of any state officer or employee, other than the Treasurer, except petty cash funds authorized by the

Department of General Services, shall be deposited in such state or national banks in this state and under such conditions as the Director of General Services prescribes. Banks receiving such deposits shall be required to deposit with the Treasurer the same security as is required by this chapter for deposits made by the Treasurer.

Banks receiving deposits of money from a county advanced or apportioned to it pursuant to Section 4481 of the Agricultural Code shall be required to secure such deposits in accordance with Article 2 (commencing with Section 53630) of Chapter 4, Part 1, Division 2 of Title 5.

SEC. 2. Section 53649 of the Government Code is amended to read:

53649. The treasurer is responsible for the safekeeping of funds in his custody and shall enter into any contract with a depository which in his judgment is to the public advantage. One copy of each such contract shall be filed with the auditor, controller, secretary or corresponding officer of the local agency. The contract shall:

- (a) Fix the duration of deposits.
- (b) Fix the interest rate, if any.
- (c) Provide conditions for withdrawal and repayment.
- (d) Provide for placement of pooled securities in a named agent of depository in accordance with Section 53656.
- (e) Grant authority for agent of depository to place securities for safekeeping in accordance with Section 53659.
- (f) Set forth in accordance with Section 53665 the conditions upon which the administrator shall order pooled securities converted into money for the benefit of the local agency, and the procedure therefor.

(g) Provide for compliance in all respects with the provisions of this article and other applicable provisions of law.

SEC. 3. Section 53658 of the Government Code is amended to read:

53658. An agent of a depository may hold and pool securities to secure deposits for one or more depositories pursuant to Section 53656, but shall maintain a separate pool for each said depository. Each local agency shall have an undivided security interest in the pooled securities in the proportion that the amount of its deposits bears to the total amount of deposits secured by the pooled securities.

SEC. 4. Section 53659 of the Government Code is amended to read:

53659. Whenever an agent of depository accepts securities pursuant to Section 53656 it may, with the authorization of the depository, place such securities for safekeeping with a federal reserve bank or branch thereof or with any bank located in a city designated as a reserve city by the Board of Governors of the Federal Reserve System or with a trust company located in this state. Authority for such placement together with the names of the banks or trust companies to be so used, shall be contained in the contract between the treasurer and the depository required in Section 53649.

SEC. 5. Section 53679 of the Government Code is amended to read:

53679. So far as possible all money belonging to a local agency under the control of any of its officers or employees other than the treasurer or a judge or officer of a justice or municipal court shall, and all money coming into the possession of a judge or officer of a justice or municipal court may, be deposited as active deposits in the state or national bank in this state selected by the officer, employee, or judge of the court. Such money is subject to this article except:

(a) Deposits in an amount less than that insured pursuant to federal law are not subject to this article.

For deposits in excess of the amount insured under any federal law a contract in accordance with Section 53649 is required and the provisions of this article shall apply.

(b) Interest is not required on money deposited by a judge or officer of a justice or municipal court.

(c) Interest is not required on money deposited by an officer having control of a revolving fund created pursuant to Chapter 2, Division 3, Title 3.

(d) Interest is not required on money deposited by an officer having control of a special fund established pursuant to Articles 5 or 6, Chapter 2, Division 3, Title 3.

SEC. 6. This act shall become operative July 1, 1970.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The provisions of this act make changes conforming statutory language to the changes in the law relating to deposit of public moneys made by Chapter 1483 of the Statutes of 1969, which will become operative on July 1, 1970.

In order for the changes made by this act to become operative at the same time, it is necessary for this act to have immediate effect.

CHAPTER 85

An act to amend Sections 72053, 72053.5, 72300, 72304, 72757, 72758 and 72759 of, and to add Article 9 (commencing with Section 72400) to Chapter 8 of Title 8 of, and to repeal Section 72708 of, the Government Code, relating to traffic referees.

[Approved by Governor May 1, 1970. Filed with Secretary of State May 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 72400) is added to Chapter 8 of Title 8 of the Government Code, to read:

Article 9. Traffic Referees

72400. The judges of a municipal court where there are more than two judges may appoint one traffic referee who shall hold office at the pleasure of the judges. A person is ineligible to be a traffic referee unless he is a member of the State Bar of California or has had five years' experience as a justice court judge in this state within the eight years immediately preceding his appointment as a traffic referee.

72401. At the direction of the court the traffic referee may do any of the following:

(a) With respect to any misdemeanor violation of the Vehicle Code he may fix the amount of bail, grant continuances, arraign the defendant, hear and recommend orders to be made on demurrers and motions other than for continuances, take pleas and set cases for hearing or trial.

(b) With respect to any misdemeanor violation falling within the provisions of subdivision (b) of Section 42001 of the Vehicle Code or any infraction he may perform any of the duties set forth in subdivision (a) of this section and in addition he may impose a fine following a plea of guilty or nolo contendere not to exceed the bail provided for that offense in the county bail schedule adopted pursuant to subdivision (c) of Section 1269b of the Penal Code and he may order that payment of the fine or any portion thereof be suspended but may not impose express conditions of probation. He may also order the defendant to attend a school for traffic violators pursuant to the provisions of Section 42005 of the Vehicle Code.

72402. In conducting arraignments, taking pleas, granting continuances, setting cases for trial and imposing penalties for traffic offenses as provided in this article the traffic referee shall have the same powers as a judge of the court.

72403. The traffic referee shall have the power of a deputy clerk of the court, shall perform such other duties as may be assigned to him by the court, and shall be a member of any retirement system which includes the attachés of the court. In addition if he possesses the qualifications prescribed by law for such office he may be appointed and serve as a commissioner of the court and receive the monthly salary provided by law for a commissioner of the court.

72404. Unless otherwise provided by statute the traffic referee shall receive a salary equal to 50 percent of the salary of a judge of the municipal court.

72405. Any commissioner of the court having the qualifications prescribed in this article for a traffic referee or those prescribed in Section 72190 for commissioners may at the direction of the court exercise any of the powers which a traffic referee may exercise.

72406. Notwithstanding the provisions of Section 72400 any person who was performing duties substantially comparable to those set forth in this article on the effective date of this article and who has performed such duties for a period of at

least one year prior to July 1, 1969, shall be eligible for appointment to the position of traffic referee and shall receive a salary equal to 65 percent of the salary of a judge of the municipal court.

SEC. 2. Section 72053 of the Government Code is amended to read:

72053. In addition to their salaries, the clerks, deputy clerks, commissioners, traffic referees, and court reporters of the municipal court may be allowed their actual and necessary incidental expenses incurred in the actual performance of their duties, including traveling expenses. At the option of the board of supervisors, they may be furnished with automobiles at public expense, or allowed traveling expenses at the same rate for each mile traveled that is authorized by the board of supervisors as travel expenses for officers or employees of the county. Traveling expenses allowed under this section shall be only for travel within the county in which the municipal court is established.

SEC. 3. Section 72053.5 of the Government Code is amended to read:

72053.5. In addition to salary, a judge, commissioner, traffic referee, or clerk of the municipal court shall be allowed any registration fee or other charge necessarily incurred in connection with any convention, school, conference, or meeting at which his attendance is authorized by the board of supervisors, and he shall also be allowed his necessary traveling expenses which shall be computed at the same rate for each mile traveled that is authorized by the board of supervisors as travel expense for officers of the county.

SEC. 4. Section 72300 of the Government Code is amended to read:

72300. (a) In a district or city and county in which the municipal court is composed of three or more judges, one department of the court may remain open and in session for the transaction of any business which may come before the department in the exercise of the criminal jurisdiction of the court or a judge of the court, at such hours of the day or night, or both, as the judges of the court prescribe.

(b) In class A, class B, and class C counties, as defined in this section, one department of the municipal court in each municipal court district composed of four or more judges shall remain open and in session at least one night a week during such hours as the judges of the court shall prescribe for the purpose of conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. The clerk of the court, or at least one deputy clerk, shall be in attendance to accept bail for traffic offenses in a department that is open at night. The judges of the court may appoint a commissioner or traffic referee for the purposes of conducting arraignment proceedings, the taking of pleas, and the setting of cases for trial and the commissioner or traffic referee shall have the same

powers as the judge in conducting arraignments, the taking of pleas, and the setting of cases for trial in traffic offenses. Section 134 of the Code of Civil Procedure, requiring that no court other than the Supreme Court shall be open for the transaction of judicial business on a holiday, other than a special holiday, does not apply to such municipal courts while exercising their jurisdiction pursuant to this section.

(c) As used in this section:

(1) "Class A" county means any county with a population of 2,000,000 or more, as determined by the Department of Finance as of July 1964.

(2) "Class B" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class A county.

(3) "Class C" county means any county with a population of 1,000,000 or more, as determined by the Department of Finance as of July 1964, which adjoins a class B county.

SEC. 5. Section 72304 of the Government Code is amended to read:

72304. Any commissioner or traffic referee of such court may exercise all of the powers and duties provided for in this article for the clerk relating to bail and the discharge of defendants under bail, and the authority to fix the amount of bail in cases of misdemeanor defined in the Vehicle Code and to endorse it upon the notice for the appearance of the defendant as provided by Section 40511 of the Vehicle Code. Nothing in this article shall be construed to reduce or limit the powers or authority of such commissioners or traffic referees otherwise provided by law.

SEC. 6. Section 72708 of the Government Code is repealed.

SEC. 7. Section 72757 of the Government Code is amended to read:

72757. In each municipal court district having not more than 10 judges authorized by law, a jury commissioner may be appointed by and hold office at the pleasure of the majority of the judges, or the senior judge in service in a municipal court district having two judges.

SEC. 8. Section 72758 of the Government Code is amended to read:

72758. The jury commissioner shall exercise all the powers and perform all of the duties of the jury commissioner of a superior court insofar as they are applicable to municipal courts, together with such additional powers and duties as may be prescribed by law. In addition and without extra compensation, he may be appointed and serve as a general commissioner of the court if he possesses the qualifications prescribed therefor. As such general commissioner, he shall exercise all the powers and perform all of the duties of a commissioner of a superior court insofar as they are applicable to municipal courts, together with such additional powers and duties as may be prescribed by law.

SEC. 9. Section 72759 of the Government Code is amended to read:

72759. The jury commissioner shall meet the provisions of Section 72190 relating to qualifications and shall receive an annual salary equal to that provided by law for Commissioners of the Municipal Court, Los Angeles Judicial District. He shall be a member of any retirement system which includes clerks and deputy clerks of said court. The requirements relating to qualifications do not apply to any jury commissioner who was an incumbent on January 1, 1957.

Any jury commissioner who has been appointed from the staff of court clerks shall continue to be the clerk or deputy clerk of the judicial district in such position as he has theretofore been appointed without additional compensation.

CHAPTER 86

An act to amend Section 20504 of the Education Code, relating to school district budgets, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 4, 1970. Filed with
Secretary of State May 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20504 of the Education Code is amended to read:

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the state as required to be tabulated in Sections 20602 and 20603 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, including a summary of the district tax requirements for the ensuing fiscal year to be derived by levies on the secured roll as shown on the budget form prescribed for this purpose by the Superintendent of Public Instruction, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently

accessible to the residents of the district, during the first week in August at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week in August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to be applicable to school district budgets for the current school year, it is essential that this act take effect immediately.

CHAPTER 87

An act to amend Section 10832 of the Fish and Game Code, relating to Fish and Game District 2A.

[Approved by Governor May 4, 1970. Filed with
Secretary of State May 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10832 of the Fish and Game Code is amended to read:

10832. The following constitutes Fish and Game District 2A: All that area within the Counties of Mendocino, Lake, and Glenn within the following boundaries:

Beginning at the summit of Hull Mountain in Mendocino County, in the southwest corner of Sec. 2, T. 19 N., R. 10 W.; thence in a northeasterly direction down Hull Creek (sometimes known as Red Rock Creek) to its junction with Sand Creek; thence southeasterly down Sand Creek to its junction with Corbin Creek, thence in an easterly direction up Corbin Creek to Sec. 36, T. 20 N., R. 8 W.; thence in a southerly direction up a ravine to the Pacific Crest Road (24NO2) on the summit of the Coast Range Mountains in Sec. 12, T. 19 N., R. 8 W.; thence southwesterly along the Pacific Crest Road (24NO2) to Low Gap, where the Bloody Rock trail crosses the summit in Sec. 27, T. 19 N., R. 8 W.; thence in a westerly direction down the Bloody Rock trail and Cold Creek to South Eel River in Sec. 26, T. 19 N., R. 9 W.; thence down the river to the mouth of a ravine in the SE $\frac{1}{4}$ of Sec. 27, T. 19 N., R. 9

W.; thence in a northwesterly direction up the ravine through Secs. 27 and 28 to the summit of Boardman Ridge; thence in a northwesterly direction up Boardman Ridge to the summit of Hull Mountain to the point of beginning.

CHAPTER 88

An act to add Chapter 7 (commencing with Section 1700) to Division 2 of the Fish and Game Code, relating to fish and game.

[Approved by Governor May 6, 1970. Filed with
Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 1700) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 7. CONSERVATION OF AQUATIC RESOURCES

1700. It is hereby declared to be the policy of the state to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the state for the benefit of all the citizens of the state and to promote the development of local fisheries and distant-water fisheries based in California in harmony with international law respecting fishing and the conservation of the living resources of the oceans and other waters under the jurisdiction and influence of the state. This policy shall include the following objectives:

(a) The maintenance of sufficient populations of all species of aquatic organisms to insure their continued existence.

(b) The recognition of the importance of the aesthetic, educational, scientific and nonextractive recreational uses of the living resources of the California Current.

(c) The maintenance of a sufficient resource to support a reasonable sport use, where a species is the object of sport fishing, taking into consideration the necessity of regulating individual sport fishery bag limits to the quantity that is sufficient to provide a satisfying sport.

(d) The growth of local commercial fisheries, consistent with aesthetic, educational, scientific, and recreational uses of such living resources, the utilization of unused resources, taking into consideration the necessity of regulating the catch within the limits of maximum sustainable yields, and the development of distant-water and overseas fishery enterprises.

(e) The management, on a basis of adequate scientific information promptly promulgated for public scrutiny, of the fisheries under the state's jurisdiction, and the participation in the management of other fisheries in which California fishermen are engaged, with the objective of maximizing the sustained harvest.

CHAPTER 89

An act to add Sections 1951, 1951.2, 1951.4, 1951.5, 1951.7, 1951.8, 1952, 1952.2, 1952.4, and 1952.6 to, and to amend Section 3308 of, the Civil Code, and to add Sections 337.2 and 339.5 to the Code of Civil Procedure, relating to leases.

[Approved by Governor May 6, 1970. Filed with Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1951 is added to the Civil Code, to read:

1951. As used in Sections 1951.2 to 1952.6, inclusive:

(a) "Rent" includes charges equivalent to rent.

(b) "Lease" includes a sublease.

SEC. 2. Section 1951.2 is added to the Civil Code, to read:

1951.2. (a) Except as otherwise provided in Section 1951.4, if a lessee of real property breaches the lease and abandons the property before the end of the term or if his right to possession is terminated by the lessor because of a breach of the lease, the lease terminates. Upon such termination, the lessor may recover from the lessee:

(1) The worth at the time of award of the unpaid rent which had been earned at the time of termination;

(2) The worth at the time of award of the amount by which the unpaid rent which would have been earned after termination until the time of award exceeds the amount of such rental loss that the lessee proves could have been reasonably avoided;

(3) Subject to subdivision (c), the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the time of award exceeds the amount of such rental loss that the lessee proves could be reasonably avoided; and

(4) Any other amount necessary to compensate the lessor for all the detriment proximately caused by the lessee's failure to perform his obligations under the lease or which in the ordinary course of things would be likely to result therefrom.

(b) The "worth at the time of award" of the amounts referred to in paragraphs (1) and (2) of subdivision (a) is computed by allowing interest at such lawful rate as may be specified in the lease or, if no such rate is specified in the lease, at the legal rate. The worth at the time of award of the amount referred to in paragraph (3) of subdivision (a) is computed by discounting such amount at the discount rate of the Federal Reserve Bank of San Francisco at the time of award plus 1 percent.

(c) The lessor may recover damages under paragraph (3) of subdivision (a) only if:

(1) The lease provides that the damages he may recover include the worth at the time of award of the amount by which the unpaid rent for the balance of the term after the

time of award, or for any shorter period of time specified in the lease, exceeds the amount of such rental loss for the same period that the lessee proves could be reasonably avoided; or

(2) The lessor relet the property prior to the time of award and proves that in reletting the property he acted reasonably and in a good-faith effort to mitigate the damages, but the recovery of damages under this paragraph is subject to any limitations specified in the lease.

(d) Efforts by the lessor to mitigate the damages caused by the lessee's breach of the lease do not waive the lessor's right to recover damages under this section.

(e) Nothing in this section affects the right of the lessor under a lease of real property to indemnification for liability arising prior to the termination of the lease for personal injuries or property damage where the lease provides for such indemnification.

SEC. 3. Section 1951.4 is added to the Civil Code, to read:

1951.4. (a) The remedy described in this section is available only if the lease provides for this remedy.

(b) Even though a lessee of real property has breached his lease and abandoned the property, the lease continues in effect for so long as the lessor does not terminate the lessee's right to possession, and the lessor may enforce all his rights and remedies under the lease, including the right to recover the rent as it becomes due under the lease, if the lease permits the lessee to do any of the following:

(1) Sublet the property, assign his interest in the lease, or both.

(2) Sublet the property, assign his interest in the lease, or both, subject to standards or conditions, and the lessor does not require compliance with any unreasonable standard for, nor any unreasonable condition on, such subletting or assignment.

(3) Sublet the property, assign his interest in the lease, or both, with the consent of the lessor, and the lease provides that such consent shall not unreasonably be withheld.

(c) For the purposes of subdivision (b), the following do not constitute a termination of the lessee's right to possession:

(1) Acts of maintenance or preservation or efforts to relet the property.

(2) The appointment of a receiver upon initiative of the lessor to protect the lessor's interest under the lease.

SEC. 4. Section 1951.5 is added to the Civil Code, to read:

1951.5. Sections 1670 and 1671, relating to liquidated damages, apply to a lease of real property.

SEC. 5. Section 1951.7 is added to the Civil Code, to read:

1951.7. (a) As used in this section, "advance payment" means moneys paid to the lessor of real property as prepayment of rent, or as a deposit to secure faithful performance of the terms of the lease, or any other payment which is the substantial equivalent of either of these. A payment that is not in excess of the amount of one month's rent is not an advance payment for the purposes of this section.

(b) The notice provided by subdivision (c) is required to be given only if:

- (1) The lessee has made an advance payment;
- (2) The lease is terminated pursuant to Section 1951.2; and
- (3) The lessee has made a request, in writing, to the lessor that he be given notice under subdivision (c).

(c) Upon the initial reletting of the property, the lessor shall send a written notice to the lessee stating that the property has been relet, the name and address of the new lessee, and the length of the new lease and the amount of the rent. The notice shall be delivered to the lessee personally, or be sent by regular mail to the lessee at the address shown on the request, not later than 30 days after the new lessee takes possession of the property. No notice is required if the amount of the rent due and unpaid at the time of termination exceeds the amount of the advance payment.

SEC. 6. Section 1951.8 is added to the Civil Code, to read:

1951.8. Nothing in Section 1951.2 or 1951.4 affects the right of the lessor under a lease of real property to equitable relief where such relief is appropriate.

SEC. 7. Section 1952 is added to the Civil Code, to read:

1952. (a) Except as provided in subdivision (c), nothing in Sections 1951 to 1951.8, inclusive, affects the provisions of Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure, relating to actions for unlawful detainer, forcible entry, and forcible detainer.

(b) The bringing of an action under the provisions of Chapter 4 (commencing with Section 1159) of Title 3 of Part 3 of the Code of Civil Procedure does not affect the lessor's right to bring a separate action for relief under Sections 1951.2, 1951.5, and 1951.8, but no damages shall be recovered in the subsequent action for any detriment for which a claim for damages was made and determined on the merits in the previous action.

(c) After the lessor obtains possession of the property under a judgment pursuant to Section 1174 of the Code of Civil Procedure, he is no longer entitled to the remedy provided under Section 1951.4 unless the lessee obtains relief under Section 1179 of the Code of Civil Procedure.

SEC. 8. Section 1952.2 is added to the Civil Code, to read:

1952.2. Sections 1951 to 1952, inclusive, do not apply to:

(a) Any lease executed before July 1, 1971.

(b) Any lease executed on or after July 1, 1971, if the terms of the lease were fixed by a lease, option, or other agreement executed before July 1, 1971.

SEC. 9. Section 1952.4 is added to the Civil Code, to read:

1952.4. An agreement for the exploration for or the removal of natural resources is not a lease of real property within the meaning of Sections 1951 to 1952.2, inclusive.

SEC. 10. Section 1952.6 is added to the Civil Code, to read:

1952.6. Where a lease or an agreement for a lease of real property from or to any public entity or any nonprofit cor-

poration whose title or interest in the property is subject to reversion to or vesting in a public entity would be made invalid if any provision of Sections 1951 to 1952.2, inclusive, were applicable, such provision shall not be applicable to such a lease. As used in this section, "public entity" includes the state, a county, city and county, city, district, public authority, public agency, or any other political subdivision or public corporation.

SEC. 11. Section 3308 of the Civil Code is amended to read:

3308. The parties to any lease of real or personal property may agree therein that if such lease shall be terminated by the lessor by reason of any breach thereof by the lessee, the lessor shall thereupon be entitled to recover from the lessee the worth at the time of such termination, of the excess, if any, of the amount of rent and charges equivalent to rent reserved in the lease for the balance of the stated term or any shorter period of time over the then reasonable rental value of the property for the same period.

The rights of the lessor under such agreement shall be cumulative to all other rights or remedies now or hereafter given to the lessor by law or by the terms of the lease; provided, however, that the election of the lessor to exercise the remedy hereinabove permitted shall be binding upon him and exclude recourse thereafter to any other remedy for rental or charges equivalent to rental or damages for breach of the covenant to pay such rent or charges accruing subsequent to the time of such termination. The parties to such lease may further agree therein that unless the remedy provided by this section is exercised by the lessor within a specified time the right thereto shall be barred.

This section does not apply to a lease of real property unless (a) the lease was executed before July 1, 1971, or (b) the terms of the lease were fixed by a lease, option, or other agreement executed before July 1, 1971.

SEC. 12. Section 337.2 is added to the Code of Civil Procedure, to read:

337.2. Where a lease of real property is in writing, no action shall be brought under Section 1951.2 of the Civil Code more than four years after the breach of the lease and abandonment of the property, or more than four years after the termination of the right of the lessee to possession of the property, whichever is the earlier time.

SEC. 13. Section 339.5 is added to the Code of Civil Procedure, to read:

339.5. Where a lease of real property is not in writing, no action shall be brought under Section 1951.2 of the Civil Code more than two years after the breach of the lease and abandonment of the property, or more than two years after the termination of the right of the lessee to possession of the property, whichever is the earlier time.

SEC. 14. This act shall become operative on July 1, 1971.

CHAPTER 90

An act to amend Sections 2301, 2302, 2303, 2304, 2306, 2307, 2308, 2309, 2312, and 2313 of, to amend and renumber Section 2315.1 of, to add Sections 2316 and 2316.5 to, and to repeal Sections 2315 and 2321 of, the Public Resources Code, relating to mining.

[Approved by Governor May 6, 1970. Filed with
Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2301 of the Public Resources Code is amended to read:

2301. Any person, a citizen of the United States, or who has declared his intention to become a citizen, who discovers a vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposit, may locate a claim upon such vein or lode, by defining the boundaries of the claim, in the manner hereinafter described, and by erecting at the point of discovery thereon a conspicuous and substantial monument, and by posting in or on the monument a notice of such location. The notice shall contain:

(a) The name of the lode or claim.

(b) The name, current mailing address or current residence address of the locator or locators.

(c) The number of linear feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the claim, and the general course of the vein or lode, as near as may be.

(d) The date of location, which shall be the date of posting such notice.

(e) Such a description of the claim by reference to some natural object, or permanent monument, as will identify the claim located.

SEC. 2. Section 2302 of the Public Resources Code is amended to read:

2302. The locator or locators of any lode mining claim shall define the boundaries of the claim so that they may be readily traced, but in no case shall the claim extend more than 1,500 feet along the course of the vein or lode, nor more than 300 feet on either side thereof as measured from the centerline of the vein at the surface. Within 60 days after the date of location of any lode mining claim hereafter located, the locator or locators shall erect at each corner of the claim and at the center of each end line, or the nearest accessible points thereto, a conspicuous and substantial monument. Each corner monument so erected shall bear or contain markings sufficient to appropriately designate the corner of the mining claim to which it pertains and the name of the claim.

SEC. 3. Section 2303 of the Public Resources Code is amended to read:

2303. The location of a placer claim shall be made in the following manner:

(a) By erecting at the point of discovery thereon a conspicuous and substantial monument, and by posting in or on the monument, a notice of location, containing the name of the claim, the name, current mailing address or current residence address of the locator or locators, the date of location, which shall be the date of posting such notice, the number of feet or acreage claimed, and such a description of the claim by reference to some natural object or permanent monument as will identify the claim located.

(b) By marking the boundaries so that they may be readily traced and by erecting at each corner of the claim, or at the nearest accessible points thereto, a conspicuous and substantial monument. Each corner monument shall bear or contain markings sufficient to appropriately designate the corner of the mining claim to which it pertains and the name of the claim.

Where the United States survey has been extended over the land embraced in the location, however, the claim may be taken by legal subdivisions and no other reference than those of such survey shall be required, and the boundaries of a claim so located and described need not be staked or monumented. The description by legal subdivisions shall be deemed the equivalent of marking.

SEC. 4. Section 2304 of the Public Resources Code is amended to read:

2304. (a) Within 90 days after the date of location of any lode claim hereafter located, the locator or locators thereof shall sink a shaft upon the claim to a depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or shall drive a tunnel, adit, or open cut upon the claim to at least 10 feet below the surface.

(b) In lieu of the location work required by subdivision (a) of this section, the locator of a lode claim may, within 90 days of the date of location, drill a hole to a hole depth of not less than 25 feet by any drilling equipment capable of collecting and bringing to the surface a sample that may actually be inspected or tested. Such hole may be drilled at any point within the claim or within a group of claims not exceeding 10 in number, in any contiguous orientation and arrangement, except that the maximum dimension of such group arrangement shall not exceed seven thousand five hundred (7,500) feet and providing that the hole depth of the hole or holes drilled as location work for the group shall aggregate a total not less than 25 feet times the total number of claims within such group.

(c) If the locator has elected to do such location work as provided in subdivision (b) of this section, he shall, within the time specified within subdivision (b) of this section, cap or plug each drill hole intended as location work and mark

it with a wooden post at least $3\frac{1}{2}$ inches in diameter, or a metal post, placed within five feet of the hole, which post shall be at least 48 inches in height above the ground, shall be firmly imbedded in the ground, and shall have securely fixed to it a notice containing the name of the claim on which located, the names of the contiguous claims, if any, for which it is claimed as location work, and the date the hole was completed.

(d) If within 90 days of the date of location, the locator of a lode claim has his claim surveyed and a plat of the survey recorded as provided in Section 2311 of this code, the same shall constitute valid location work in lieu of the location work required by subdivision (a) or (b) of this section. More than one claim may be included in such a survey and plat.

SEC. 5. Section 2306 of the Public Resources Code is amended to read:

2306. The relocation of any lode or placer mining location which is subject to relocation shall be made as an original location is required to be made, except that the relocater of a lode claim may either sink a new shaft upon the claim to the depth of at least 10 feet from the lowest part of the rim of the shaft at the surface, or drive a new tunnel, adit, or open cut upon the claim to at least 10 feet below the surface; or the relocater may sink the original location shaft 10 feet deeper than it is at the time of relocation, or drive the original tunnel, adit, or open cut upon the claim 10 feet further; or the relocater may drill a hole or holes under the provisions of subdivisions (b) and (c) of Section 2304; or, the relocater may have his claim surveyed and a plat of the survey recorded as provided in subdivision (d) of Section 2304.

SEC. 6. Section 2307 of the Public Resources Code is amended to read:

2307. The failure or neglect of the locator or locators to comply with the requirements of Section 2301, 2302, 2304, or 2306 of this code shall render the location null and void, unless such failure or neglect is curable under the provisions of Section 2310, in which event the location shall be voidable.

SEC. 7. Section 2308 of the Public Resources Code is amended to read:

2308. The locator of a tunnel right or location, shall locate his tunnel right or location by erecting at the face or point of commencement of the tunnel a conspicuous and substantial monument in or on which there shall be posted a notice of location, which notice shall contain:

(a) The name, current mailing address or current residence address of the locator or locators.

(b) The date of location, which shall be the date of posting such notice.

(c) The proposed course or direction of the tunnel.

(d) Such a description of the tunnel by reference to some natural object or permanent monument as will identify the claim or tunnel right.

SEC. 8. Section 2309 of the Public Resources Code is amended to read:

2309. The boundary lines of the tunnel shall be established by conspicuous and substantial monuments placed along the lines on the surface at an interval of not more than 600 feet from the face or point of commencement of the tunnel to the terminus of 3,000 feet therefrom.

SEC. 9. Section 2312 of the Public Resources Code is amended to read:

2312. The proprietor of a vein or lode claim or mine, the proprietor of a placer claim, or the owner of a quartz mill or reduction works, or any person qualified by the laws of the United States may locate not more than five acres of non-mineral land as a millsite. The location shall be made and the claim boundaries marked in the same manner as required by Section 2303 for locating placer claims, except that the monument in or on which the notice of location is posted may be erected anywhere within the claim, and location work is not required.

SEC. 10. Section 2313 of the Public Resources Code is amended to read:

2313. (a) Within 90 days after the posting of his notice of location upon a lode mining claim, placer claim, tunnel right or location, or millsite claim or location, the locator shall record in the office of the county recorder of the county in which such claim is situated a true copy of the notice together with a statement by the locator of the markings of the boundaries, and of the performance of the location work, as well as the character of each, which statement also shall include the township, range and meridian of the United States survey within which all or any part of the claim is located.

(b) If the locator has elected, in lieu of other location work, to drill a hole or holes as provided by subdivisions (b) and (c) of Section 2304 or by Section 2306, the statement of the performance of location work shall include his affidavit, or an affidavit by some person for him knowing the facts, setting forth the position and depth of the drill hole or holes, and, if done for more than one lode claim, the name and location of each contiguous claim for which this work was done.

SEC. 11. Section 2315 of the Public Resources Code is repealed.

SEC. 12. Section 2315.1 of the Public Resources Code is amended and renumbered to read:

2315. (a) Whenever labor is performed and improvements are made as required by law upon any mining claim, the person in whose behalf such labor was performed or improvements made, or someone in his behalf, shall, within 30 days after the time limited by law for performing such labor or making such improvements, make and have recorded by the county recorder in books kept for that purpose, in the county in which the mining claim is situated, an affidavit setting forth:

(1) The name of the claim.

(2) A reference by book and page to the public record of the notice of location of the claim and, if amended, of the last recorded amendment thereof.

(3) A description of the labor and improvements performed or made upon or for the benefit of the claim for which the proof is made, the value of each such item, and the dates on which or the period of time within which the same was performed or made.

(4) The name, current mailing address and current residence address of the person who makes the proof and of the owner of the claim, as known to the affiant.

(5) A statement that the claim is held and claimed by the owner, or the person making the proof if he is entitled to possession thereof, for the valuable mineral contained therein.

(6) The name and address of the person who performed or made the work and improvements described in the affidavit, as known to the affiant.

(7) A statement that all monuments required by law to have been erected upon the claim and all notices required by law to have been posted on the claim or copies thereof were in place at a date within the assessment year for which the affidavit is made and a statement of the date.

(8) A statement that at such date each corner monument bore or contained marking sufficient to appropriately designate the corner of the mining claim to which it pertains and the name of the claim.

(b) The affidavit so recorded as required by subdivision (a) of this section, or a copy thereof duly certified by the county recorder, shall be prima facie evidence of the performance of the labor and the making of the improvements as stated in the affidavit.

(c) The neglect or failure of the owner of any mining claim to record or cause to be recorded within the time allowed by this section an affidavit containing the statements required by subdivision (a) of this section shall create a prima facie presumption of the act and intent of the owner to abandon such claim at the end of the assessment year within which the labor should have been performed or the improvements made under the laws of the United States, and also shall throw the burden of proof upon the owner or owners of such claim to show that such labor has been performed and that such improvements have been made in any contest, suit or proceeding touching the title to the claim, except that in the event the affidavit is executed and recorded by anyone other than an owner within the 30-day period, and the owner apprehends that there are deficiencies in the recorded affidavit, he may supplement and furnish the same by further affidavit to comply with the section and may record such supplemental affidavit within 30 days following the last day of the 30-day period after the time limited by law for performance of the work or making of improvements, and thereby obtain the prima facie evidence of performance of labor and making of

improvements above provided, and avoid the prima facie presumption of abandonment and the burden of proving the performance of labor and making of improvements required by law.

SEC. 13. Section 2316 is added to the Public Resources Code, to read:

2316. (a) A wooden post or stone structure not less than 3½ inches in diameter or a metal post not less than two inches in diameter, projecting at least three feet above the ground and set at least one foot in the ground, or a mound of stone at least three feet in height above the ground, is prima facie a conspicuous and substantial monument as referred to in this chapter.

(b) Where by reason of precipitous ground, it is impractical or dangerous to place a monument in its true position, a witness monument may be erected as near thereto as the nature of the ground will permit and marked so as to identify the true position.

(c) Where by reason of working the claim, it is impractical or dangerous to maintain a monument in its true position, a witness monument shall be erected as near thereto as the nature of the ground will permit and marked so as to identify the true position.

SEC. 14. Section 2316.5 is added to the Public Resources Code, to read:

2316.5. Any person who shall take down, remove, alter or destroy any stake, post, monument or notice of location upon any mining claim, and which is required by law to be upon such mining claim, without the consent of the owner or owners thereof, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine not exceeding one hundred dollars (\$100) or by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

SEC. 15. Section 2321 of the Public Resources Code is repealed.

CHAPTER 91

An act to amend Section 36933 of the Government Code, relating to publication of city ordinances.

[Approved by Governor May 6, 1970 Filed with
Secretary of State May 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 36933 of the Government Code is amended to read:

36933. Within 15 days after its passage, the city clerk shall cause each ordinance to be published at least once in a newspaper of general circulation published and circulated in the

city, or if there is none, he shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city. In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but such ordinances shall be posted in the manner and at the time required by this section.

Except as provided in Section 36937 an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

CHAPTER 92

An act to amend Section 25103 of the Government Code, relating to county board of supervisors.

[Approved by Governor May 6, 1970 Filed with
Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25103 of the Government Code is amended to read:

25103. The records and minutes of the board shall be signed by the chairman and the clerk. The board may by resolution authorize the use of a facsimile signature of the chairman of the board on all resolutions, orders, ordinances, contracts, minutes, and records of the board except that the original copy thereof, or the copy thereof filed in the office of the clerk of the board, shall bear the personal signature of the chairman or shall have been delivered to him, and such documents bearing the facsimile signature shall be accorded the same force and effect as though personally signed by the chairman. A certificate by the clerk that a copy of such document has been delivered to the chairman of the board shall be prima facie evidence of such delivery.

In the case of a public security or any instrument of payment, the provisions of the Uniform Facsimile Signature of Public Officials Act (Chapter 6 (commencing with Section 5500) of Division 6 of Title 1 of the Government Code) shall govern.

If the facsimile signature of the chairman of the board of supervisors is affixed to any document prior to the effective date of the amendment to this section enacted during the 1970 Regular Session, such document shall have the same force and effect from the time of such affixing as if such facsimile signature had been affixed after that effective date.

CHAPTER 93

An act to add Section 11811 to the Vehicle Code, relating to revocation and suspension of salesmen's licenses.

[Approved by Governor May 6, 1970. Filed with
Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11811 is added to the Vehicle Code, to read:

11811. The suspension, expiration, or cancellation of the vehicle salesman's license provided for in this chapter shall not prevent the filing of an accusation for revocation or suspension of the suspended, expired, or canceled license as provided in Section 11803, and the department's decision that such license should be suspended or revoked. Such determination may be considered in granting or refusing to grant any subsequent license authorized by Division 5 (commencing with Section 11100) of this code to such licensee.

CHAPTER 94

An act to add Section 2501.1 to the Business and Professions Code, relating to medical corporations.

[Approved by Governor May 6, 1970. Filed with
Secretary of State May 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2501.1 is added to the Business and Professions Code, to read:

2501.1. Notwithstanding any other provision of this chapter, the Board of Medical Examiners may delegate to its executive secretary, or other official or employee of the board:

(a) Its authority under Section 2501 to review and approve applications for registration as medical corporations and to issue certificates of registration.

(b) Its authority to review and approve applications of medical corporations for permits under Section 2393 and to issue such permits.

CHAPTER 95

An act to amend Section 2612 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 7, 1970. Filed with
Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2612 of the Revenue and Taxation Code is amended to read:

2612. On the tax bill for tax-sold property shall appear in writing the fact that it has been sold for delinquent taxes. In the alternative the tax bill may contain language such as "property sold to state for unpaid prior year taxes," "sold to state due to delinquent prior year taxes," or any other language which would indicate the fact the property has been sold to the state and there are delinquent prior year taxes.

CHAPTER 96

An act to add Section 65908 to the Government Code, relating to zoning enforcement.

[Approved by Governor May 7, 1970. Filed with
Secretary of State May 7, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 65908 is added to the Government Code, to read:

65908. (a) Any agency which institutes a judicial action or proceeding to enforce zoning regulations may file a notice of the pendency of the action or proceeding in the county recorder's office of the county where the property affected by the action or proceeding is situated. The notice shall be filed at the time of the commencement of the action or proceeding, and, upon recordation of such notice as provided in this subdivision, shall have the same effect as a notice recorded pursuant to Section 409 of the Code of Civil Procedure.

The county recorder shall record and index the notice of pendency of action or proceeding in the index of grantors and any other index relative to the property in question.

(b) Any notice of pendency of action or proceeding filed pursuant to subdivision (a) may, upon motion of a party to the action or proceeding, be vacated upon an appropriate showing of need therefor by an order of a judge of the court in which the action or proceeding is pending. A certified copy of the order of vacation may be recorded in the office of the recorder of the county where the notice of pendency of action is recorded, and upon such recordation the notice of pendency of the action or proceeding shall not constitute constructive notice of any of the matters contained therein nor create any duty of inquiry in any person thereafter dealing with the property described therein. Such an order of vacation shall not be appealable, but the party aggrieved by such order may, within 20 days after service of written notice of the order, or within such additional time not exceeding 20 days as the court may, within the original 20 days, allow, but in no event later than 60 days after entry of the order, petition the proper reviewing court to review such order by writ of mandate. No

such order of vacation shall be effective, nor shall it be recorded in the office of any county recorder, until the time within which a petition for writ of mandate may be filed pursuant to this subdivision has expired.

CHAPTER 97

An act to amend Section 630 of the Probate Code, relating to estates.

[Approved by Governor May 7, 1970. Filed with
Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Probate Code is amended to read:

630. When a decedent leaves no real property, nor interest therein nor lien thereon, in this state, and the total value of the decedent's property in this state, excluding any motor vehicle of which the decedent is the owner or legal owner, over and above any amounts due to the decedent for services in the armed forces of the United States, and over and above the amount of salary not exceeding three thousand dollars (\$3,000), including compensation for unused vacation, owing to decedent for services from any employment, does not exceed three thousand dollars (\$3,000), the surviving spouse, the children, lawful issue of deceased children, the parent, the brother or sister of the decedent, the lawful issue of a deceased brother or sister, or the conservator of the property of any person bearing such relationship to the decedent, or the guardian of the estate of any minor or insane or incompetent person bearing such relationship to the decedent, if such person has a right to succeed to the property of the decedent, or is the sole beneficiary under the last will and testament of the decedent, may, without procuring letters of administration, or awaiting the probate of the will, collect any money due the decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or right transferred to him upon furnishing the person, representative, corporation, officer or body owing the money, having custody of such property or acting as registrar or transfer agent of such evidences of interest, indebtedness or right, with an affidavit showing the right of the affiant or affiants to receive such money or property, or to have such evidences transferred.

CHAPTER 98

An act to amend Section 10270.2 of the Insurance Code, relating to insurance.

[Approved by Governor May 7, 1970. Filed with Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10270.2 of the Insurance Code is amended to read:

10270.2. Blanket insurance is that form of insurance providing coverage for specified circumstances and insuring by description all or nearly all persons within a class of persons defined in a policy issued to a master policyholder, and not by specifically naming the persons covered (by certificate or otherwise, although a statement of the coverage provided may be given, or required by the policy to be given to persons eligible). The permitted types of blanket insurance are those where the blanket policy is issued to any of the following:

(a) A volunteer fire company providing benefits to members only in event of accident incurred while performing actions incident to such membership.

(b) A college, school, or other institution of learning, a school district or districts or school jurisdictional unit, or to the head, principal, or governing board of any such educational unit who or which shall be deemed the policyholder; providing benefits to students without necessarily any restriction as to activity, time, or place, or to teachers or employees while performing actions incident to special duties, such as at camps, at summer playgrounds, or during tours or excursions; and providing benefits to such students, teachers, or employees, and spouses and dependents of such students, teachers, and employees, for death or dismemberment resulting from accident or for hospital, medical, surgical, drug, or nursing expenses resulting from accident or sickness.

(c) A proprietor or sponsor of an organized camping institution, who shall be deemed the policyholder, providing benefits to campers or persons responsible for their support for death or dismemberment resulting from accident, or for hospital, medical, surgical, or nursing expenses resulting from accident to such campers or arising out of sickness of such campers, provided the accident or the first manifestation of such sickness occurs while such campers are in or on the buildings or premises of the camp institution, or being transported between their homes and the camp institution, or while at any other place as an incident to camp-sponsored activities or while being transported to, from, or between such places.

(d) To a newspaper, farm paper, magazine, or other periodical publication, which shall be deemed the policyholder, providing benefits for independent contractors, such as newsboys, dealers, distributors, wholesalers, or others engaged in

the sale, distribution, collecting for, or other activities pertaining to, the marketing and delivery of such publications, including attendance at a coaching school or participation as a member of a trip organized, supervised, and sponsored as a reward for meritorious service, on account of loss resulting from accident or sickness, such benefit to be payable to such independent contractors or to their parents, guardians, or other persons responsible for their support.

When the premium for the insurance is paid by the person insured, he may, upon request, obtain from the insurer in certificate form a copy of the policy.

(e) Any religious, charitable, recreational, educational, athletic or civic organization, or branch thereof, which shall be deemed the policyholder, providing benefits to members, employees, or participants for death or dismemberment or for hospital, medical, surgical, or nursing expenses all resulting from accident incurred incident to specific hazards pertaining to any activity or activities or operations sponsored or supervised by such policyholder.

(f) To a policy issued on application of an employer, a majority of the employees in this state of an employer, or both, to pay the benefits afforded by a voluntary plan of unemployment compensation disability insurance. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

A "blanket policy" is any disability policy of the nature herein described sold to any of the entities described in subdivision (a), (b), (c), (d), (e), or (f) of this section and providing coverage for any group of persons within permitted categories defined in the policy. Policies referred to in subdivision (f) shall comply with the provisions of this section specifically referring thereto. Policies referred to in subdivision (a), (b), (c), (d), or (e) may provide that the cost of the insurance coverage shall be borne by either the policyholder, or the individuals insured or their parents or guardians, payable through the policyholder. In the absence of a policy provision excluding coverage for otherwise covered individuals who have not individually enrolled with the policyholder and undertaken to pay all or a specified portion of the premium allocable to such individual, such policy shall provide the described insurance for all who fall within the categories of covered individuals defined in the policy. Such policy may, but is not required to, contain provisions requiring a minimum number of participating persons or a minimum percentage of participation before the policy is effective. In the absence of such a provision coverage shall not be denied any individual otherwise eligible on those grounds.

No policies described in subdivision (a), (b), (c), (d), or (e) of this section shall be issued until approved as to sub-

stance and form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the substance, form, and issuance of such policies, as are necessary or desirable to preserve, insofar as applicable, standards as respects substance, form, and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued.

No policies described in subdivision (f) shall be issued until approved as to form by the commissioner. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, relating to the form and issuance of such policies, as do not affect the substance of the coverage, and as are necessary or desirable to preserve, insofar as applicable, standards as respects form and issuance comparable to the standards in such respects prescribed by this chapter and applicable to other types of disability policies, and to further the purpose or purposes for which such policies are to be issued. Notwithstanding the provisions of Section 10113, such policies may incorporate by reference any of the appropriate provisions of Part 2 (commencing with Section 2601) of Division 1 of the Unemployment Insurance Code and the authorized regulations of the Director of Employment.

CHAPTER 99

An act to amend Section 1616 of the Revenue and Taxation Code, relating to the reassessment of property in disaster areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1970. Filed with Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1616 of the Revenue and Taxation Code is amended to read:

1616. (a) If a county board changes the value on a parcel of real property other than by acceptance of an uncontested stipulation, and, during the succeeding two assessment years, the party affected seeks to change the value set by the board or the assessor seeks to raise the value as lowered by the board or to lower the value as raised by the board, the value of the property shall be rebuttably presumed to be the value set by the board. The party seeking such a change in value shall give written notice of the proposed full cash value and assessed value to the other party and the matter shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If during such succeeding two assessment years, the board, other than by the acceptance of an uncontested stipulation, changes the value previously set by the board on that parcel, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the next succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent addition of trade fixtures required to be reported under Section 452, a subsequent change in zoning of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board of Equalization or a subsequent increase or decrease in the physical size of a building for which a building permit has been issued. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the party affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance.

This section shall not apply to buildings under initial construction nor to changes of value made pursuant to legislation enacted under the authorization of Section 2.8 of Article XIII of the Constitution of the State of California.

SEC. 2. Notwithstanding any provision of law to the contrary, the board of supervisors of any county may, by ordinance, provide that every person who at 12:01 a.m. on the first day of March, 1969, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by reason of cleavages opening in the earth causing property to slide or fall or otherwise damaging such property prior to the lien date in 1970, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars (\$500). The assessor shall, on the lien date in 1970, reassess such property according to the condition and value immediately after the damage or destruction, and the assessor shall give notice of the reassessment to the property owner and to the board of supervisors. The notice to the property owner shall be in writing sent to his last known address and shall contain a description of the property reassessed and the value

of the property as reassessed as well as a statement informing the owner that he has 21 days from the date of mailing to protest the reassessment. If there is no protest within 21 days of mailing notice to the owner, the board of supervisors may order the assessment of the property changed according to the assessor's reassessment. In the event that there is a protest of the reassessment filed within 21 days of mailing notice to the owner of the property the assessor shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer's liability for the tax shall be as follows:

(a) He shall remain liable for the first installment of the tax on property on the secured roll as computed on the original equalized assessment of the property.

(b) He shall be liable for a second installment of tax on property on the secured roll in an amount equal to the amount of a second installment of tax computed on the equalized reassessment of the property.

(c) With respect to property on the unsecured roll, he shall be liable only for one-half of the tax computed on the equalized reassessment of the property.

(d) If the taxpayer has already paid the second installment of tax on property on the secured roll as computed on the original equalized assessment, and that installment is greater than the second installment computed on the equalized reassessment, the difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

(e) If the taxpayer has already paid the tax on property on the unsecured roll as computed on the original equalized assessment, and the tax computed on that roll is greater than the tax computed on the equalized reassessment, the difference between one-half the tax as computed on the original assessment and one-half the tax computed on the reassessment shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code as an erroneously collected tax.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

shall go into immediate effect. The facts constituting such necessity are:

Cleavages have opened in the ground in areas overlooking the Pacific Ocean in San Pedro and land and improvements have toppled over the cliff and homes have become uninhabitable by reason of this dangerous condition. In order to provide property tax relief to property owners in this stricken area and any other areas similarly situated, it is necessary that this act go into immediate effect.

CHAPTER 100

An act to amend Section 23358.2 of the Business and Professions Code, relating to alcoholic beverages, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1970. Filed with
Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23358.2 of the Business and Professions Code is amended to read:

23358.2. Notwithstanding any other provision of this division, a winegrower or brandy manufacturer, at his licensed premises where the sale of wine or brandy for consumption off the premises is authorized or permitted, when selling to consumers for consumption off the premises may sell only wine or brandy which is produced or bottled by such licensee, or wine or brandy which is produced for or is produced and packaged for such licensee, and which is sold under a brand name owned by such licensee. The rights and privileges of a winegrower or brandy manufacturer to be issued and to hold an off-sale beer and wine license for any of his licensed premises, or for other premises, shall not in any way be changed or affected, or be construed to be changed or affected, by the provisions of this section. This section shall become operative on July 1, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the time Section 23358.2 of the Business and Professions Code was enacted, it was the intention of the Legislature that winegrowers and brandy manufacturers should continue to be entitled to obtain off-sale beer and wine licenses for the same premises for which they held winegrower's or brandy manufacturer's licenses, as well as for other premises. Such off-sale beer and wine licenses would permit winegrowers and brandy manufacturers to sell all types of wine, regardless of by or for whom produced or bottled, to consumers for off-premises consumption.

The Department of Alcoholic Beverage Control, however, has stated that by reason of its interpretation of the provisions of Section 23358.2, it will refuse to issue off-sale beer and wine licenses for such licensed premises.

Section 23358.2 will become operative on July 1, 1970. Unless it is amended before that date in the manner set forth in Section 1 of this act, serious damage will be suffered by numerous winegrowers and brandy manufacturers in this state, contrary to the intention of the Legislature. In order to prevent such unintended results, the amendment of Section 23358.2 must take effect prior to its operative date, and it is therefore necessary that this act take effect immediately.

CHAPTER 101

An act to amend Section 1021 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1970. Filed with
Secretary of State May 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1021 of the Insurance Code is amended to read:

1021. (a) Upon the making of an order to liquidate the business of such person, the commissioner shall cause to be published notice to its policyholders, creditors, shareholders, and all other persons interested in its assets. Such notice shall require claimants to file their claims with the commissioner, together with proper proofs thereof, within six months after the date of first publication of such notice, in the manner specified in this article.

(b) The six-month period specified in subdivision (a) shall not apply to the California Insurance Guarantee Association provided it files with the commissioner a notice of possible claim within such six-month period and files actual claim or claims within such periods of time as may be permitted by order of court.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The California Insurance Guarantee Association was authorized by legislation at the 1969 Regular Session to alleviate the hardship of insolvency to persons of modest means. In view of this recent authorization it is not possible for the association to file claims against an insolvent insurer, with necessary proofs, within the prescribed time.

In order to preserve these claims to mitigate against hardship to the people of this state, it is necessary that this act take effect immediately.

CHAPTER 102

An act to amend Sections 185, 187, 196, 197, 198, 200.1, 200.2, 200.3, 200.4, 200.5, 200.6, 200.8, 200.9, 200.11, 200.12, 200.14, 200.21, 256, 321, 321.5, 554, 557, 601.1, 814, 893, 897, 911, 935, 962, 963, 964, 969, 1003, 1003.5, 1010, 1010.1, 1010.2, 1010.3, 1010.4, 1010.12, 1044, 1070, 1102, 1111.6, 1127, 1224, 1226, 1227, 1228, 1310, 1311, 1332, 1426, 1603, 1604, 1796, 1824.5, 1828.5, 1976, 1977, 1991, 1992, 2021, 2093, 2099, 2100, 2191, 2192, 2193, 2194, 2197, 2198, 2302, 2361, 2362, 2370, 2391, 2392, 2393, 2394, 3205, 3254, 3257.6, 3257.7, 3259.5, 3293.2, 3301.5, 5014, 5031, 5103, 5552, 5652, 5656.5, 5664, 5701, 5716, 5718, 5985, 5991, 6070, 6071, 6076, 6268.4, 6268.6, 6268.8, 6307, 6401, 6402, 6403, 6481.6, 7451.7, 7560, 9255, 10201, 10301, 10602, 10800, 10953, 11102, 11103, 11475, 11476, 11477, 11478, 11479.5, 11481, 11482, 11483 as added by Chapter 716 of the Statutes of 1969, 11483 as added by Chapter 1009 of the Statutes of 1969, 12253, 13132, 13187, 13190, 13192, 13193, 13194, 13197.15, 13197.2, 13197.55, 13197.6, 13199, 13220, 13220.1, 13220.2, 13220.3, 13220.4, 13220.5, 13220.6, 13220.7, 13220.8, 13220.9, 13220.10, 13220.11, 13220.12, 13220.13, 13220.14, 13220.18, 13220.19, 13250 as added by Chapter 1453 of the Statutes of 1969, 13250.8, 13264, 13286, 13287, 13289, 13294, 13318, 13319, 13321, 13328.5, 13331.1, 13337.5, 13458.5, 13460.5, 13465, 13465.1, 13503, 13511, 13521, 13565, 13708.2, 14503, 14694.1, 14694.5, 14694.8, 14694.9, 14696.2, 15452, 15503.2, 15516, 15707, 15717.5, 15812, 16151, 16205, 16221, 16231, 16232, 16236, 16301, 16523, 16851, 16866, 16951, 16956, 17200, 17301, 17301.3, 17303.5, 17304, 17402, 17405, 17407, 17411.1, 17451, 17452, 17453, 17454, 17456, 17461, 17503, 17505, 17522.5, 17555, 17556, 17601, 17601.1, 17603.5, 17609, 17609.1, 17609.2, 17611, 17617, 17666.2, 17666.3, 17667, 17851, 17904, 17906.2, 17923, 17940, 17951, 17970, 18055, 18056, 18057, 18102.2, 18102.4, 18102.6, 18451, 18452, 18455, 18903, 19402, 19420, 19553, 20050, 20051, 20052, 20053, 20055, 20056, 20057, 20058, 20065, 20066, 20067, 20075, 20076, 20077, 20078, 20079, 20080, 20081, 20081.1, 20082, 20083, 20201, 20201.1, 20202, 20204, 20205, 20205.1, 20205.2, 20206, 20207, 20211, 20211.1, 20751, 20755, 20801, 20804.1, 20804.2, 20910, 21116, 21117, 21301, 21351, 21703, 21707, 22504.5, 22505, 22508, 22509, 22512, 22635, 22650, 22651, 22700, 22757.5, 23054, 23756, 25410, 25411, 25411.5, 25411.6, 25412, 25412.6, 25413, 25413.1, 25413.2, 25413.3, 25413.4, 25413.45, 25413.5, 25414.5, 25414.6, 25415, 25415.5, 25416, 25420, 25422, 25422.5, 25423, 25423.5, 25424, 25425, 25431, 25431.1, 25431.5, 25432, 25432.5, 25433, 25433.5, 25434, 25435, 25436, 25437, 25437.5, 25438, 25439.5, 25440, 25440.5, 25442, 25443, 25443.5, 25444, 25444.5, 25445, 25445.5, 25450, 25450.1, 25450.2, 25450.25, 25450.3, 25450.35, 25450.4, 25450.5, 25451, 25451.3, 25451.5, 25451.7, 25451.9, 25452, 25452.1, 25452.2, 25452.3, 25452.4, 25452.5, 25457,

25457.2, 25457.6, 25457.7, 25457.8, 25457.9, 25458, 25458.5, 25459, 25463, 25465, 25465.5, 25466, 25467, 25467.5, 25468, 25470, 25470.5, 25471, 25471.5, 25472, 25473, 25473.5, 25474, 25476, 25476.5, 25477, 25477.5, 25480, 25480.5, 25481.5, 25482, 25484, 25484.5, 25485, 25485.1, 25485.2, 25486, 25486.5, 25487, 25487.5, 25500, 25500.5, 25501, 25501.5, 25502, 25502.3, 25502.5, 25503, 25503.5, 25503.6, 25504, 25504.5, 25505, 25505.1, 25505.2, 25505.3, 25505.4, 25505.5, 25505.6, 25505.7, 25505.8, 25505.9, 25506, 25506.5, 25507, 25507.5, 25508, 25508.5, 25509, 25509.5, 25510, 25510.5, 25511.5, 25512, 25513, 25514, 25514.5, 25515, 25515.5, 25516, 25516.5, 25517, 25517.5, 25518, 25518.5, 25518.6, 25519, 25520, 25522, 25523, 25524.7, 25530, 25531, 25531.5, 25531.6, 25531.7, 25540, 25540.5, 25541, 25541.5, 25541.7, 25542, 25542.5, 25543, 25543.01, 25545, 25545.01, 25545.02, 25545.25, 25545.61, 25545.63, 25545.65, 25545.66, 25546.01, 25546.02, 25546.04, 25546.06, 25546.07, 25546.08, 25546.10, 25546.11, 25546.115, 25546.12, 29003, 29016, 31206, 31208, 31214.3, 31231, 31233, 31261, 31263, 31264, and 31273 of, to amend the heading of Article 1.5 (commencing with Section 1010) of Chapter 3 of Division 4, to amend the heading of Article 2 (commencing with Section 1991) of Chapter 2 of Division 5, to amend the heading of Article 3 (commencing with Section 2021) of Chapter 2 of Division 5, to amend the heading of Chapter 4 (commencing with Section 2191) of Division 5, to amend the heading of Article 4 (commencing with Section 2391) of Chapter 5 of Division 5, to amend the heading of Article 4 (commencing with Section 11102) of Chapter 2 of Division 9, to amend the heading of Article 2.4 (commencing with Section 13220) of Chapter 2 of Division 10, to amend the heading of Article 5.7 (commencing with Section 16231) of Chapter 2 of Division 12, to amend the heading of Article 4 (commencing with Section 17451) of Chapter 2 of Division 14, to amend the heading of Article 8.5 (commencing with Section 17970) of Chapter 3 of Division 14, to amend the heading of Chapter 19 (commencing with Section 20050) of Division 14, to amend the heading of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15, to amend the heading of Chapter 4 (commencing with Section 22650) of Division 16.5, to amend the heading of Division 18.5 (commencing with Section 25410), to amend the heading of Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5, to amend the heading of Article 4 (commencing with Section 25451) of Chapter 2 of Division 18.5, to amend the heading of Article 5 (commencing with Section 25457) of Chapter 2 of Division 18.5, to amend the heading of Article 9 (commencing with Section 25470) of Chapter 2 of Division 18.5, to amend the heading of Article 11 (commencing with Section 25480) of Chapter 2 of Division 18.5, to amend the heading of Chapter 3 (commencing with Section 25500) of Division 18.5, to

amend the heading of Article 2 (commencing with Section 25515) of Chapter 3 of Division 18.5, to amend the heading of Article 3 (commencing with Section 25522) of Chapter 3 of Division 18.5, to amend the heading of Chapter 4 (commencing with Section 25530) of Division 18.5, to amend the heading of Article 2 (commencing with Section 25545) of Chapter 5 of Division 18.5, and to amend the heading of Chapter 7 (commencing with Section 25546.01) of Division 18.5 of, to add Section 52 to, and to repeal Sections 25413.6 and 25546.16 of, the Education Code; to amend Sections 35004, 54920, and 54927 of the Government Code; to amend Sections 500, 500.1, 501, 502, 504, 505, 506, 507, 508, 510, 511, 512, 515, 516, 517, 518, 519, and 520.1 of the Military and Veterans Code; and to amend Sections 172.1, 415.5, 602.10, 626, 626.2, 626.4, 626.6, and 1463.2 of the Pcnal Code, relating to community colleges.

[Approved by Governor May 12, 1970 Filed with
Secretary of State May 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 52 is added to the Education Code, to read:

52. Any reference to junior colleges or junior college districts in any law shall be deemed to refer to community colleges and community college districts, respectively.

SEC. 1.5. Section 185 of the Education Code is amended to read:

185. There is in the state government a Board of Governors of the California Community Colleges, consisting of 15 members, who are appointed by the Governor with the advice and consent of two-thirds of the Senate.

The first members of the board shall be appointed by the Governor on or before January 15, 1968, and the Governor shall designate the date of the first meeting of the board. At least seven of the initial members shall have served as members of local community college governing boards in this state prior to their appointment to the Board of Governors of the California Community Colleges. Any such member must resign from the local community college governing board before his appointment if he is serving on a local community college governing board at the time of his appointment.

SEC. 2. Section 187 of the Education Code is amended to read:

187. Members of the board shall be selected from outstanding lay citizens of California who have a strong interest in the further development and improvement of the public community colleges.

SEC. 3. Section 196 of the Education Code is amended to read:

196. It is the intent of the Legislature that the Board of Governors of the California Community Colleges shall provide

leadership and direction in the continuing development of community colleges as an integral and effective element in the structure of public higher education in the state. The work of the board shall at all times be directed to maintaining and continuing, to the maximum degree permissible, local autonomy and control in the administration of the community colleges.

SEC. 4. Section 197 of the Education Code is amended to read:

197. The Board of Governors of the California Community Colleges shall succeed to the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the State Board of Education, Superintendent of Public Instruction, the Department of Education, and the Director of Education with respect to the management, administration, and control of the community colleges. Whenever in any law relating to the management, administration and control of the community colleges reference is made to the State Board of Education, Superintendent of Public Instruction, the Department of Education, or the Director of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 5. Section 198 of the Education Code is amended to read:

198. The State Board of Education is designated as the state educational agency to carry out the purposes and provisions of Public Law 815 and Public Law 874 of the 81st Congress, and is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to allocate, upon the advice and recommendations of the Board of Governors of the California Community Colleges, the funds provided by such acts of Congress to public community colleges.

SEC. 6. Section 200.1 of the Education Code is amended to read:

200.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a community college district or the governing board of a district maintaining a community college. "District" means a community college district or a district maintaining a community college.

SEC. 7. Section 200.2 of the Education Code is amended to read:

200.2. The board of governors shall adopt rules and regulations not inconsistent with the laws of this state for the government and supervision of the public community colleges.

SEC. 8. Section 200.3 of the Education Code is amended to read:

200.3. The board of governors shall exercise general supervision over the formation of new community college districts and the reorganization of existing community college districts,

including the approval or disapproval of plans therefor, and shall provide advisory service in connection with such formations or reorganizations. The board of governors shall encourage county committees on school district organization to include all territory of the state within public community college districts.

SEC. 9. Section 200.4 of the Education Code is amended to read:

200.4. The board of governors shall coordinate and encourage interdistrict, regional, and statewide development of public community college programs and facilities.

SEC. 10. Section 200.5 of the Education Code is amended to read:

200.5. The board of governors shall approve the offering of out-of-district classes by public community college districts.

SEC. 11. Section 200.6 of the Education Code is amended to read:

200.6. The board of governors shall review and approve academic master plans and master plans for facilities for each community college district. These shall be submitted to the board of governors by the local governing board of each community college district.

SEC. 12. Section 200.8 of the Education Code is amended to read:

200.8. The board of governors shall review and approve all educational programs offered in the community colleges. For the purposes of this section, "educational program" is a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education. Individual courses offered under educational programs approved by the board of governors shall be approved by the district governing board and shall not be submitted to the board of governors for approval.

SEC. 13. Section 200.9 of the Education Code is amended to read:

200.9. The board of governors shall establish criteria and standards for graded and nongraded classes in community colleges.

SEC. 14. Section 200.11 of the Education Code is amended to read:

200.11. The board of governors shall establish minimum standards for the employment of academic and administrative staff in community colleges.

SEC. 15. Section 200.12 of the Education Code is amended to read:

200.12. The board of governors shall conduct necessary statewide research on community colleges and shall provide appropriate information services, including but not limited to, definitions for the purpose of uniform reporting, collection, compilation and analysis of data for effective planning and coordination, and dissemination of information.

SEC. 16. Section 200.14 of the Education Code is amended to read:

200.14. The board of governors shall represent the community colleges before state and national legislative and executive agencies.

SEC. 17. Section 200.21 of the Education Code is amended to read:

200.21. The board of governors shall plan for, and advise on, financial assistance and scholarship programs for community college students.

SEC. 18. Section 256 of the Education Code is amended to read:

256. The Superintendent of Public Instruction may enter into an agreement with the government of the United States or any agency thereof relative to the establishment of courses of study in aeronautics in the community colleges and technical schools of the public school system except the California State Colleges.

SEC. 19. Section 321 of the Education Code is amended to read:

321. As used in this article

(a) "School district" does not include an elementary school district with less than one hundred one (101) units of average daily attendance, a high school district with less than three hundred one (301) units of average daily attendance, or a community college district.

(b) "Full-time equivalent classroom teacher" means an employee of a school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. For purposes of this section, a "full-time equivalent classroom teacher" shall also mean an in-school librarian or a full-time counselor assigned full-time student counseling duties.

(c) "Full-time equivalent employees in nonteaching functions" means all employees other than those defined in subdivision (b).

(d) "Full-time certificated nonteaching employees" means all persons holding positions requiring certification qualifications, but who do not come within the meaning of subdivision (b).

(e) "Classification" means one of the classifications specified in Section 323.

SEC. 20. Section 321.5 of the Education Code is amended to read:

321.5. For the purposes of this article, a "full-time equivalent classroom teacher," a "full-time equivalent employee in nonteaching functions," and a "full-time certificated nonteaching employee," as defined in Section 321, shall not include an employee of a school district employed in connection with a community college maintained by the school district.

SEC. 21. Section 554 of the Education Code is amended to read:

554. The board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or community college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958," by the act of Congress known as the "Elementary and Secondary Education Act of 1965," by the act of Congress known as the "Manpower Development and Training Act of 1962," (as amended), including but not limited to the "JOBS program" (Job Opportunities in the Business Sector), and by the act of Congress known as the "Education Professions Development Act of 1965," (as amended), and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the State Board of Education and with other school districts and private organizations for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, in accordance with said acts, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said acts of Congress.

SEC. 22. Section 557 of the Education Code is amended to read:

557. The president or the administrative head of each community college and the State Nautical School may establish and administer student loan funds pursuant to the act of Congress known as the "National Defense Education Act of 1958." Money allocated for the purpose of establishing a student loan fund at the State Nautical School may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305-16305.7 for the purpose of making loans to students in accordance with the federal act.

SEC. 23. Section 601.1 of the Education Code is amended to read:

601.1. (a) In those counties where the county superintendent of schools has jurisdiction over a school district situated in two or more counties, any qualified elector residing in the part of the school district situated in a county whose county superintendent of schools does not have jurisdiction of such school district shall be eligible to vote for one or more members of the county board of education of the county whose county superintendent of schools has jurisdiction over the school district. Each such elector shall be eligible to vote for the member of the county board of education representing the trustee area of such county having jurisdiction as designated by the county committee on school district organization. Such

committee shall apportion the portion of the school district territory not situated in the county having jurisdiction to one or more trustee areas of the other county so that such territory shall, insofar as possible, be represented as if it were situated in the county having jurisdiction. The territory so apportioned shall not become a part of the trustee area to which apportioned for any other purpose. As used in this subdivision, "school district" means any joint union elementary school district, joint union high school district or joint unified school district but does not include any community college district.

(b) Any person who is a resident of a county and is made eligible to vote for the county board of education of another county pursuant to subdivision (a) shall not be eligible to vote for the county board of education of the county of which he is a resident. Notwithstanding the foregoing provisions of this subdivision, a person shall be eligible to vote for both county boards of education if he is a resident of an elementary school district of any type which is included in a joint union high school district and the elementary school district and the joint union high school district are each under the jurisdiction of different county superintendents of schools.

This section shall not be applicable in a chartered county unless made so by the charter, or by the board of supervisors acting pursuant to the charter.

SEC. 24. Section 814 of the Education Code is amended to read:

814. In each community college district, the superintendent of schools of the county in which the community college buildings are located shall have jurisdiction over all matters in which his office is concerned.

SEC. 25. Section 893 of the Education Code is amended to read:

893. There is created within the Department of General Services the Television Advisory Committee. The committee shall be composed of the Director of General Services or his designated representative, and six members appointed by the Governor as follows:

(a) One representative of the University of California, to be nominated by the board of regents.

(b) One representative of the Trustees of the California State Colleges, to be nominated by the trustees.

(c) One representative of the State Board of Education, to be nominated by the board.

(d) One member who shall represent the existing community educational television channels.

(e) One representative of a county superintendent's office, to be nominated by the Superintendent of Public Instruction.

(f) One representative of a community college district, to be nominated by the State Board of Education.

The committee shall elect one of its members as chairman.

SEC. 26. Section 897 of the Education Code is amended to read:

897. The county superintendent of schools may, with the approval of the county board of education, hold an annual teachers institute in each year as provided in Sections 13361 to 13380, inclusive, of this code.

Notwithstanding any other provision to the contrary, teachers employed in community colleges may be exempted from attendance at or participation in such institute by action of the community college district involved.

SEC. 27. Section 911 of the Education Code is amended to read:

911. The first governing board of any new district shall, at the first meeting of the board or as soon as practicable thereafter, name the district.

The name of an elementary district shall be in the form of "----- District (using the name of the district), of ----- County" (using the name of the county in which the district is situated). The name of an elementary district shall not include a number or the word "elementary."

The name of a unified school district shall be in the form of "----- (using the name of the district) Unified School District." A number shall not be used as a part of the designation of any unified school district.

The governing board of any high school district maintaining a community college may, pursuant to Section 913, request that the name of the district be changed to include the words "high school district and community college."

Any union high school district or joint union high school district shall be so designated as part of its name.

SEC. 28. Section 935 of the Education Code is amended to read:

935. The governing board of any school district employing eight or more teachers, and the governing board of any community college district, may employ a district superintendent for one or more schools and may delegate to the district superintendent any of the duties provided for in Section 1031.

SEC. 29. Section 962 of the Education Code is amended to read:

962. The governing board of any community college district composed of two or more high school districts, and the governing board of any union or joint union high school district, shall hold its regular meetings either monthly or quarterly. The governing board of any other community college district, and the governing board of any other high school district, shall hold its regular meetings monthly.

SEC. 30. Section 963 of the Education Code is amended to read:

963. Subject to the provisions of Section 962, the times at which the regular meetings of the governing board of a community college district and the governing board of a high school district are to be held shall be prescribed by the rules

and regulations adopted by each such board for its own government.

SEC. 31. Section 964 of the Education Code is amended to read:

964. The governing board of each school district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The clerk of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of each high school district, union high school district, and joint union high school district shall organize by electing a president from its members and a clerk.

At the annual meeting each city board of education shall organize by electing a president from its members.

At the annual meeting the governing board of each other type of school district, except a community college district, shall elect one of its members clerk of the district.

SEC. 32. Section 969 of the Education Code is amended to read:

969. Meetings of the governing board of a high school district shall be held in the high school building. If there is no high school building in the high school district, or if in the judgment of the board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the high school district as it may by resolution determine.

The community college board shall meet in a public building which is owned or leased by the community college district.

If a community college district consists of more than one high school district, or of more than one unified district, or of at least one high school district and one unified district, the community college governing board may meet at any high school building in any of such districts, if a notice identifying the high school building in which the meeting will be held and the time and date of the meeting therein is posted in each community college maintained by the district at least 30 days prior

to the meeting and remains so posted to and including the time of the meeting.

SEC. 33. Section 1003 of the Education Code is amended to read:

1003. The governing board of each unified school district shall have the same powers and duties as are by law granted to the governing boards of the elementary school districts, the high school districts, and the community college districts merged into, or otherwise included within, the unified school district.

SEC. 34. Section 1003.5 of the Education Code is amended to read:

1003.5. Except where otherwise provided, all of the provisions of this code applicable to the government, maintenance, support, functions, and administration of elementary, high school, and community college districts are applicable to the government, maintenance, support, and administration of unified school districts.

SEC. 34.5. The heading of Article 1.5 (commencing with Section 1010) of Chapter 3 of Division 4 of the Education Code is amended to read:

Article 1.5. Powers, Duties, and Functions of School District Governing Boards Operating Community Colleges

SEC. 35. Section 1010 of the Education Code is amended to read:

1010. By enacting this article the Legislature declares its intent to more specifically delineate the powers, duties, and functions of the school district governing boards operating community colleges and the powers, duties, and functions of the Board of Governors of the California Community Colleges. This article shall be construed as an expression of the policy of the Legislature with regard to the functions of the above mentioned boards, but shall not be construed as an enactment of specific legal provisions. Nothing contained in this article shall supplant existing law. Upon passage of this article by the Legislature, however, the Board of Governors of the California Community Colleges is hereby directed to take whatever steps are necessary to implement the policies contained in this article.

SEC. 36. Section 1010.1 of the Education Code is amended to read:

1010.1. As used in this article, "board of governors" means the Board of Governors of the California Community Colleges. "District governing board" means the governing board of a community college district or the governing board of a district maintaining a community college. "District" means a community college district or a district maintaining a community college.

SEC. 37. Section 1010.2 of the Education Code is amended to read:

1010.2. The district governing board shall establish rules and regulations not inconsistent with the regulations of the board of governors and the laws of this state for the government and operation of one or more community colleges in the district and delegate appropriate authority to officers, employees or committees of the district, the college, or the governing board.

SEC. 38. Section 1010.3 of the Education Code is amended to read:

1010.3. The district governing board shall:

(a) Establish policies for, and approve, current and long-range educational plans and programs and promote orderly growth and development of the community colleges within the district.

(b) Establish policies for, and approve, academic master plans and long-range master plans for facilities. The district governing board shall submit such master plans to the board of governors for review and approval.

SEC. 39. Section 1010.4 of the Education Code is amended to read:

1010.4. The district governing board shall:

(a) Establish policies for, and approve, the total educational program of the community college or colleges in the district.

(b) Establish policies for, and approve, all educational programs and to submit such programs to the board of governors for approval. For purposes of this subsection, "educational program" is defined as a series of courses leading to a degree, a certificate, a diploma, or transfer to another institution of higher education.

(c) Establish policies for, and approve, individual courses without referral to the board of governors.

(d) Approve all classes for adults and shall submit such classes as are eligible for state apportionments to the board of governors for approval.

(e) Approve and provide such classes, programs and facilities under the provisions of the Community Service Act, the Civic Center Act, and the Recreation Act as deemed appropriate.

(f) Establish policies for, and approve, all other programs and services of the community college.

(g) Establish policies for, and approve, procedures for the adoption of instructional materials.

SEC. 40. Section 1010.12 of the Education Code is amended to read:

1010.12. The district governing board shall provide such auxiliary services as deemed necessary to achieve the purposes of the community college.

SEC. 41. Section 1044 of the Education Code is amended to read:

1044. The governing board of any school district may accept on behalf of, and in the name of, the district, such gifts, donations, bequests, and devises as are made to the district or to or for the benefit of any school or college administered by the district. Such gifts, donations, bequests and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance by the governing board of a district maintaining a community college of such a gift, donation, bequest, or devise.

SEC. 42. Section 1070 of the Education Code is amended to read:

1070. The governing board of any school district may offer a program of vocational and educational counseling. A governing board of a school district which offers such counseling services may contract with the governing boards of any other school districts, or private schools, or other public and private agencies or organizations, to render such counseling service to persons who reside within or outside the school district offering such counseling services.

This section shall only be applicable to a unified school district with an average daily attendance of more than 400,000, and to a community college district with an average daily attendance of more than 40,000 and which is located in a metropolitan area with a population of more than four million.

SEC. 43. Section 1102 of the Education Code is amended to read:

1102. In newly formed unified school districts and community college districts, there shall be no interim governing board, but the county superintendent of schools having jurisdiction over the particular district shall call an election for the purpose of choosing the first governing board of the district. In community college districts the call shall be issued not later than 30 days after the formation of the district.

In unified school districts the call shall be issued not later than the fourth Tuesday of January next succeeding the creation of the district. The superintendent shall set the date of the election in his call, but in the case of a unified school district the election shall be held not later than the third Tuesday in April next succeeding the call. The first members of the governing board of either form of district shall take office on the day the canvass of the election is certified by the county superintendent of schools. The first meeting of the governing board shall be called by the county superintendent of schools not later than the third Monday following the election. The term of office of subsequent members of the board shall begin on July 1st following their election.

SEC. 44. Section 1111.6 of the Education Code is amended to read:

1111.6. When an elementary, unified, high school, community college district or community college district trustee area, includes within its boundaries the same territory, or territory that is in part the same, as a city whose charter requires a regular city election to be held in each odd-numbered year, the consolidated governing board member elections of the elementary, unified, high school, community college district or community college district trustee area may be held on a Tuesday in the odd-numbered year and may be further consolidated with the city election pursuant to Chapter 4 of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the elementary, unified, high school or community college district upon the written request of the governing board of the elementary, unified, high school or community college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

SEC. 45. Section 1127 of the Education Code is amended to read:

1127. In every community college district which was divided into five wards on or before September 7, 1955, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal year the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards.

SEC. 46. Section 1224 of the Education Code is amended to read:

1224. The members of any elective city board of education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the city board of education, whether sitting as a board of education, high school board, or community college board, and any qualified elector of the territory shall be eligible to be a member of such city board of education.

When outside territory has been annexed to a city for school purposes it shall be deemed a part of the city for the purpose of holding the general municipal election, and shall form one or more election precincts, as may be determined by the legislative authority of the city. The qualified electors of the annexed territory shall vote only for the board of education or the board of school trustees.

SEC. 47. Section 1226 of the Education Code is amended to read:

1226. Elections of members of city boards of education, primary, general, or recall, may be consolidated with municipal elections, primary, general, or special, in accordance with the provisions of Chapter 4 of Part 2 of Division 12 of the Elections Code. In event of consolidation, the cost and expense of the election shall be apportioned between the city and districts, elementary, high school, or community college, as provided in Section 1227.

SEC. 48. Section 1227 of the Education Code is amended to read:

1227. In those cases in which the boundaries of the school district, high school district, or community college district, governed by a city board of education, are not coterminous with the boundaries of the city, and where elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held at times other than on the day of municipal elections, general or special, the cost and expense of the district elections shall be a legal charge against the funds of the district or districts governed by the board of education. The city shall be reimbursed by the district or districts for its actual cost and expense incurred in the conduct of the election or elections. The cost and expense of conducting the election in territory common to two or more districts shall be borne by the districts in equal shares. In territory within a single district the cost shall be borne by the district.

In those cases in which the school district, high school district, or community college district is governed by a city board of education, and elections, either primary, general, or recall, of members of the board of education are by the provisions of the laws governing the cities held on the same day as municipal elections, general or special, a proportionate part of the actual cost and expense of the election shall be a legal charge against the school districts governed by the board of education. The city shall be reimbursed for the proportionate cost and expense incurred in the conduct of the election. The cost and expense of the elections within the boundaries of the city shall be apportioned between the city and the districts in the ratio that the total number of offices to be filled and propositions to be voted upon by the electors of the city and the school district or districts, respectively, bears to the total number of offices to be filled and propositions submitted. The cost and expense of the election in territory outside of the municipal boundaries shall be borne by the districts affected. As between the districts, costs and expense shall be apportioned as follows: In territory common to two or more districts the cost of conducting the election shall be borne in equal shares, and in territory within a single district the cost shall be borne by the district.

SEC. 49. Section 1228 of the Education Code is amended to read:

1228. An election for members of the governing board of a community college district which has been divided into wards as provided in Section 1127 may be held, at the discretion of the governing board, on the same date and in the same manner as the city election for any chartered city located within the boundaries of the community college district. Such election when held shall be conducted by the chartered city on behalf of the community college district with the expenses of the election within the boundaries of the city apportioned between the city and the school districts in the manner prescribed by Section 1227.

Where a city charter does not specify a date for such elections, city boards of education may, by unanimous vote, determine that governing board member elections for that district shall be held on the date prescribed for the regular biennial school district governing board member elections, in which event the provisions of Chapter 6 of Division 4 of this code relating to the consolidation of governing board member elections shall apply.

SEC. 50. Section 1310 of the Education Code is amended to read:

1310. The governing board of a district having 500 or less average daily attendance during the preceding fiscal year may, except where the precincts of the district are being used for a high school district or community college district election, designate polling hours less than 12 hours, but in no case less than six hours. When less than 12 hours are specified the polls shall not be opened before 9 o'clock a.m. nor kept open after 8 o'clock p.m.

SEC. 51. Section 1311 of the Education Code is amended to read:

1311. The governing board of any school district may subdivide the district into precincts for the holding of elections, and may change and alter the precincts from time to time. The board shall number the precincts consecutively and each precinct shall for the purpose of any school district election be known by the number designated. If the governing board does not subdivide the district into precincts, the entire district shall constitute one precinct.

In any election, regardless of how the election is conducted and the votes tabulated, no precinct created under the provisions of this chapter shall consist of more than 2,500 voters.

When a consolidated election is required to be held in any district or area, the governing boards of the districts concerned shall agree upon the precincts, if any, into which the district or area is to be divided and the numbers to be given them and shall inform the county superintendent of schools having jurisdiction of their decision.

In any consolidated school election or in any election held in a union or joint union high school district, or community

college district, each elementary school district and each unified school district, shall have at least one precinct, and no precinct shall be divided between any two or more such districts.

If the governing board or boards concerned fail to designate the precincts in the specification of the election order, or, in the case of a consolidated election, fail to notify the county superintendent of schools of their decision as to precincts within 75 days preceding the election, the county superintendent of schools having jurisdiction may subdivide the district or area into precincts and number them consecutively.

SEC. 52. Section 1332 of the Education Code is amended to read:

1332. When a consolidated school district governing board member election is required to be held there shall be as many separate lists of candidates as there are school districts for which governing board members are to be elected. Each list of candidates shall be headed by the name of the school district for which the persons listed are governing board member candidates. The name of each school district shall be printed in capital letters, and shall be separated from the list of candidates beneath it by a line. The names of the school districts with the list of candidates for governing board member of each district following each name shall be arranged in the following order, as the case may require:

(a) First, elementary school district; second, high school district; third, community college district, if there be one; or

(b) First, unified district; second, community college district; or

(c) First, high school district; second, community college district.

The names of the candidates for the office of governing board member of one district shall not be separated from each other on the ballot by the names of candidates for governing board member of another district, and the list of candidates for each district shall be separated from the other lists by two double rules, one below the list of candidates and one above the name of the district which precedes the list. Within each series or list the order of candidates' names shall be alphabetical, except the names of the incumbents, so designated, shall appear first in alphabetical order on the ballot. The name of each candidate shall be printed or typewritten on the ballot with a blank square after each name in which the voter may place his cross (+). Following each list of candidates, the ballot shall provide at least as many blank lines, with blank squares following, as there are members to be elected in the particular school district concerned.

Candidates for office in each school district shall be listed on the ballot as follows, whether on a separate ballot for the district or on the list for the district on a consolidated ballot:

(a) The candidates shall be placed on a single list on the ballot regardless of how many members are to be elected;

(b) In an election held under Section 1120 to elect additional governing board members, the candidates for the new offices shall be listed separately from the candidates for the existing office and shall be voted for separately;

(c) When an election to recall a governing board member is held on the third Tuesday in April, the candidates for the office to succeed the incumbent if he is recalled shall be listed separately from the candidates to succeed governing board members whose recall is not sought.

SEC. 53. Section 1426 of the Education Code is amended to read:

1426. The cost of the election for the formation of a community college district shall be paid from the county general fund.

SEC. 54. Section 1603 of the Education Code is amended to read:

1603. For the purposes of any reference in this division to "districts of the same kind," all elementary districts are districts of the same kind, all high school districts are districts of the same kind, all community college districts are districts of the same kind, and all unified districts are districts of the same kind.

SEC. 55. Section 1604 of the Education Code is amended to read:

1604. "Component district" means either of the following:

(a) An elementary district which is included within a high school district.

(b) A high school or unified school district which is included within a community college district.

SEC. 56. Section 1796 of the Education Code is amended to read:

1796. If a community college district is formed with boundaries which are coterminous with the boundaries of a single high school district of any type and both districts are thereafter governed by governing boards of identical personnel, and if prior to the formation of the community college district the high school district had established a district tax rate in excess of the maximum rate prescribed by Section 20751, such excess tax rate shall be continued at the option of the governing boards of the high school and community college districts as the maximum combined tax rate of both districts for combined high school and community college purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of both districts and the boundaries of the high school and community college districts thereafter become noncoterminous as a result of any community college district organization or reorganization proceedings, the excess tax rate shall be continued at the option of the governing board of the

high school district as the maximum tax rate of such district for high school purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

SEC. 57. Section 1824.5 of the Education Code is amended to read:

1824.5. Any unsold bonds of an elementary, high school, unified or community college district which is included as a whole in a unified school district and voted at any election held either prior or subsequent to the date upon which the action necessary to the formation of the unified district was completed, may be issued by the board of supervisors in the name of the unified district and the proceeds derived from the sale thereof shall be the funds of the unified district and shall be used only for the purpose or purposes for which said bonds were voted.

SEC. 58. Section 1828.5 of the Education Code is amended to read:

1828.5. When a community college district is formed to include territory in four or more counties, and the new district thereby acquires property of a former community college district which ceases to exist by virtue of its inclusion in the new district, no tax levy shall be made for purposes of Section 1828 against the assessed valuation within the territory of the former community college district, for the redemption of bond principal or payment of interest on indebtedness which was originally a liability against territory other than that of the former community college district until present or future bonds equal to the appraised value of the property acquired have been redeemed through the payment of principal and interest from revenue derived from a tax levy against the assessed valuation of all of the territory of the new district except the territory of the former community college district from which the property was acquired.

SEC. 59. Section 1976 of the Education Code is amended to read:

1976. Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts shall be merged into a new unified district.

If the high school district maintains a community college, the high school district and the elementary district shall be merged into a new unified district and, for the purpose of maintaining grades 13 and 14, a new community college district with boundaries coterminous with the unified district.

SEC. 60. The heading of Article 2 (commencing with Section 1991) of Chapter 2 of Division 5 of the Education Code is amended to read:

Article 2. Formation of New Elementary, High School, and Community College Districts From Territory of Existing Districts

SEC. 61. Section 1977 of the Education Code is amended to read:

1977. Whenever the boundaries of an elementary district and a high school district which maintains a community college become coterminous, the districts shall be merged into two new districts, one of which shall be a unified district and the other of which shall be a community college district.

Except as otherwise provided in this section the governing board of the unified district shall constitute the governing board of the community college district, and after organizing as a community college board shall have the management and control of the community college district. If any territory is included within the boundaries of such community college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such community college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other community college districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the community college district shall call an election. The election shall be called and conducted pursuant to Section 1104.

A community college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 62. Section 1991 of the Education Code is amended to read:

1991. A new elementary, high school, or community college district may be formed pursuant to this article to include all or part of the territory of one or more existing districts of the same kind as the new district or to include territory which is a part of a district not of the same kind as the new district, or both. If a new district is to be formed only from all of the territory of two or more districts of the same kind as the new district, the district shall be formed pursuant to Article 3 (commencing with Section 2021) and not pursuant to this article.

SEC. 63. Section 1992 of the Education Code is amended to read:

1992. An action to form a new elementary district is initiated upon the filing with the county superintendent of schools of a petition for the new district. The petition shall be signed by at least 25 percent of the registered electors residing in the territory proposed to be included in the new district.

An action to form a new high school district or community college district is initiated upon the filing with the county superintendent of schools of a petition for the new district signed by either of the following:

(a) At least 25 percent of the registered voters residing in the territory proposed to be included in the new district.

(b) A majority of the members of the governing board of each district which would be components of the proposed new district.

SEC. 64. The heading of Article 3 (commencing with Section 2021) of Chapter 2 of Division 5 of the Education Code is amended to read:

Article 3. Formation of New Elementary, High School, Community College, and Unified Districts by Combining Existing Districts of the Same Kind

SEC. 65. Section 2021 of the Education Code is amended to read:

2021. A new elementary, high school, community college, or unified district may be formed pursuant to this article by combining two or more existing districts of the same kind.

SEC. 66. Section 2093 of the Education Code is amended to read:

2093. A high school or unified district may be annexed to a contiguous community college district so that the annexed district becomes a component district of the annexing district.

SEC. 67. Section 2099 of the Education Code is amended to read:

2099. An agreement to the annexation of a unified district to a community college district may include as a term or condition for such annexation the authorization and issuance of bonds of the unified district in a specified amount for the purpose of paying an equitable share of the cost of the property owned or held by the community college district. In such event, the county superintendent of schools shall call and conduct a bond election within the unified district to be held concurrently with the election on annexation. The governing board of the unified district may request the board of supervisors to issue and sell the bonds in the name of the unified district, and may request the county superintendent of schools to transfer to the community college district any funds derived from such sale of bonds. The county superintendent of schools shall order such transfer as requested. Any funds so transferred may, after the annexation becomes effective, be expended for purposes authorized by law, throughout the community college district. Bonds issued pursuant to this section shall not be considered outstanding bonded indebtedness of the unified district for the purposes of Section 21703; however, such bonds shall be considered bonded indebtedness of the community college district for the purposes of Section 21702.

SEC. 68. Section 2100 of the Education Code is amended to read:

2100. An agreement to the annexation of a high school or unified district to a contiguous community college district

may include, as a term or condition for such annexation, the collection of a sum of money upon annexation, from within the area of the annexed district, for capital outlay purposes; and such condition shall be considered an inherent part of the annexation agreement and shall not be construed as a separate proposition. For purposes of raising this sum, the maximum tax rate for community college purposes within any district which has been annexed to a contiguous community college district pursuant to Chapter 3 (commencing with Section 2091) of Division 5 is hereby increased by such amount as will produce within 10 fiscal years the sum included in any annexation agreement between the two districts. Any funds collected from such an increase shall be deposited to the credit of the community college district for expenditure for purposes authorized by law.

In addition to the words to be contained on the ballot pursuant to Section 2098, the ballot used in the election shall contain a statement that the maximum tax rate within the annexed districts will be increased by a specified amount as will produce the sum included in the annexation agreement.

The increase provided by this section shall not exceed fifteen cents (\$.15) for each one hundred dollars (\$100) of the assessed value of the property within the high school or unified district, and the increase shall be in addition to any other school district tax authorized by law to be levied.

The increase provided by this section shall remain in effect until the 10th consecutive fiscal year following the effective date of the annexation, or until such time as the sums agreed to in the annexation agreement referred to herein have been collected by the community college district, from within the annexed school district, whichever period occurs first.

This section shall not apply whenever Section 2099 applies.

SEC. 69. The heading of Chapter 4 (commencing with Section 2191) of Division 5 of the Education Code is amended to read:

CHAPTER 4. TRANSFER OF COMPONENT DISTRICTS BETWEEN HIGH SCHOOL DISTRICTS OR BETWEEN COMMUNITY COLLEGE DISTRICTS

SEC. 70. Section 2191 of the Education Code is amended to read:

2191. An elementary district may be transferred from one high school district to another and a high school or unified district may be transferred from one community college district to another pursuant to this chapter.

SEC. 71. Section 2192 of the Education Code is amended to read:

2192. An action to transfer a component district from one high school or community college district to another district of the same kind is initiated upon the filing with the county super-

intendent of schools of a petition for transfer and an agreement to the transfer.

SEC. 72. Section 2193 of the Education Code is amended to read:

2193. The petition shall be signed by 25 percent of the registered electors residing in the component district or by the governing board of the high school or community college district of which the component district is a part.

SEC. 73. Section 2194 of the Education Code is amended to read:

2194. The agreement to the transfer shall be signed by a majority of the members of the governing board of the high school or community college district to which it is proposed to transfer the component district.

SEC. 74. Section 2197 of the Education Code is amended to read:

2197. After hearing those who present themselves to speak on the petition, the State Board of Education shall approve or disapprove the proposed transfer of the component district. If the board approves the transfer, it shall determine whether the election shall be held only in the component district proposed to be transferred or whether the election shall be held in the whole of the high school or community college district from which the component district would be removed.

SEC. 75. Section 2198 of the Education Code is amended to read:

2198. If the State Board of Education approves the proposed transfer of the component district, the secretary of the board shall immediately notify the county superintendent of schools. Within 20 days after receiving the notification, he shall order an election in the district as determined by the State Board of Education. The ballot used in the election shall contain the words "For the transfer of ----- district from the ----- (high school or community college) district to the ----- (high school or community college) district" followed by the words "Yes" and "No" so placed that the voter may clearly indicate his choice.

SEC. 76. Section 2302 of the Education Code is amended to read:

2302. When territory is acquired or leased by a high school or community college district and is transferred thereto pursuant to Section 2301 the territory is transferred also to a component district of the high school or community college district.

SEC. 77. Section 2361 of the Education Code is amended to read:

2361. Any part of an elementary, unified, or community college district which is less than the whole of the district may be transferred from that district to another elementary, unified, or community college district pursuant to this article.

SEC. 78. Section 2362 of the Education Code is amended to read:

2362. An action to transfer inhabited territory from an elementary, unified, or community college district to another elementary, unified, or community college district is initiated upon the filing with the county superintendent of schools of a petition for transfer signed by either:

(a) Twenty-five percent of the registered electors residing in the territory proposed to be transferred, or

(b) A majority of the members of the governing board of each school district affected by the proposed change.

SEC. 79. Section 2370 of the Education Code is amended to read:

2370. After hearing all interested persons, the board of supervisors shall grant or deny the petition or require an election to be held. If the board grants the petition it shall determine whether all or only a part of the territory shall be transferred. If the board requires an election to be held it shall determine whether the election shall be held in the whole elementary, unified, or community college district from which the territory would be transferred or whether the election shall be held only in the territory proposed to be transferred. The county superintendent of schools shall call, hold, and conduct any election required by this section.

SEC. 80. The heading of Article 4 (commencing with Section 2391) of Chapter 5 of Division 5 of the Education Code is amended to read:

Article 4. Transfer of Part of a Component District From One High School or Community College District to Another District of the Same Kind

SEC. 81. Section 2391 of the Education Code is amended to read:

2391. Whenever parts of an elementary district are included in more than one high school district or whenever parts of a high school or unified district are included in more than one community college district, any part or parts of the component districts may be transferred to the high school or community college district which includes another part of the same component district pursuant to this article.

SEC. 82. Section 2392 of the Education Code is amended to read:

2392. An action to transfer a part of a component district from one high school or community college district to another pursuant to this article is initiated upon the filing with the county superintendent of schools of a petition and agreement for transfer.

SEC. 83. Section 2393 of the Education Code is amended to read:

2393. The petition shall be signed by 25 percent of the registered electors residing in the part of the district proposed to be transferred or by a majority of the members of the govern-

ing board of the high school or community college district from which the territory would be taken.

SEC. 84. Section 2394 of the Education Code is amended to read:

2394. The agreement to the transfer shall be signed by a majority of the members of the governing board of the high school or community college district to which it is proposed to transfer the territory.

SEC. 85. Section 3205 of the Education Code is amended to read:

3205. When the county committee has selected all or any portion of the county to be studied for possible recommendation for reorganization, the county committee shall be augmented as set forth below in this section for purposes of the study and the adoption of any plans and recommendations for reorganization of the territory selected:

(a) If the study is to consider a possible recommendation for reorganization other than for the formation of a community college district, each member of the governing board of each elementary, high school, and unified school district included in whole or in part within the territory to be considered shall be included in the membership of the committee.

(b) If the study is to consider a possible recommendation for reorganization consisting of the formation of a community college district, each member of the governing board of each high school district, unified district, and community college district included in whole or in part within the territory to be considered shall be included in the membership of the committee, except the governing boards of the high school or unified districts which are components of an existing community college district.

(c) If the territory selected for study is changed pursuant to Section 3204, the membership of the augmented county committee is changed immediately thereafter to exclude the members of the governing boards of districts no longer included in the territory to be studied and to include on the augmented committee each member of the governing board of each district newly included, in whole or in part, in the territory to be studied.

SEC. 86. Section 3254 of the Education Code is amended to read:

3254. In any proposal for unification or for the formation of a community college district recommended by an augmented county committee, the augmented county committee may include a provision for a governing board of either five or seven members and may include a provision for trustee areas. In establishing trustee areas each augmented county committee shall provide for representation in accordance with population and geographic factors of the entire area of the unified school district. As many trustee areas as needed, not to exceed seven, may be established. The augmented county committee shall designate the number of members of the gov-

erning board to be elected from among the registered voters of each trustee area so that a governing board of either five or seven members is provided. If the committee includes a provision for trustee areas, it shall also include a provision for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular trustee area.

Provisions regarding the number of trustees or trustee areas and the election of trustees by the district at large or by the registered voters of each particular trustee area shall be considered as an inherent part of the proposal and not to be construed as a separate proposition. A provision for trustee areas shall indicate the boundaries of the proposed trustee areas.

SEC. 87. Section 3257.6 of the Education Code is amended to read:

3257.6. The plans and recommendations for the formation of a new community college district formulated by the county committee may include recommendations to authorize the issuance of bonds by the new district in an amount determined by the augmented county committee, all or a part of which may be used for purposes designated by the augmented committee but not in conflict with Article 1 (commencing at Section 21701) of Chapter 7 of Division 16 of this code. The acquisition by a community college district formed in accordance with plans and recommendations adopted pursuant to this chapter from a high school district or unified school district of community college facilities of such high school district or unified school district shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing at Section 21701) of Division 16 of this code.

The transfer of funds derived from the issuance and sale of bonds by a community college district formed as a preliminary step to the inclusion of such district in a larger community college district pursuant to Section 25457.6, where such transfer of funds is to be made to the larger community college district, shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing with Section 21701) of Division 16 of this code.

SEC. 88. Section 3257.7 of the Education Code is amended to read:

3257.7. A recommendation made pursuant to Section 3257.6 shall be voted upon as a separate proposition at the election for the adoption or rejection of the plans and recommendations for the formation of the new community college district. The recommendation made pursuant to Section 3257.6 shall become effective if the percentage of votes required for the passage of the bond issue as provided in Section 18 of Article XI of the Constitution are cast in favor of the proposition for issuance of the bonds. The augmented county committee may

provide that the proposed districts shall not be formed unless the recommendation provided for in Section 3257.6 is approved.

SEC. 89. Section 3259.5 of the Education Code is amended to read:

3259.5. When the territory of a high school or unified district maintaining a community college is included in a proposal to form a community college district, the augmented county committee may include provisions for the acquisition of property used for community college purposes by such districts. Provisions for the acquisition of property may designate the property to be acquired and the terms upon which it shall be acquired.

SEC. 90. Section 3293.2 of the Education Code is amended to read:

3293.2. Proposals of the county committee on school district organization to annex all or part of some territory to a community college district may provide that an election be held in the territory as a whole, rather than by separate school districts, for the purpose of adopting or rejecting the plans and recommendations.

SEC. 91. Section 3301.5 of the Education Code is amended to read:

3301.5. In any proposal to form a community college district which includes territory of high school or unified districts maintaining community colleges, the augmented county committee may include a provision for the authorization of a tax rate for the community college district of not more than ten cents (\$0.10) for a period of not more than 10 years, which shall be in addition to the maximum rate of tax for such districts established pursuant to Sections 20751 and 20803, the proceeds of which shall be used only for the purpose of paying all or a portion of the cost of acquiring real and personal property used for community college purposes by such districts.

The property shall be acquired as provided in Section 3259.5 or, in the absence of such provision, on such terms as may be agreed upon by the governing boards of the community college district and the high school and unified districts concerned.

The provisions authorized by this section shall be considered an integral part of the plans and recommendations of the county committee and shall not be construed as a separate proposition.

In event the revenue from the tax authorized by this section exceeds that which is needed for the acquisition of the property, the excess shall be deposited to the credit of the special reserve fund of the community college district.

SEC. 92. Section 5014 of the Education Code is amended to read:

5014. Each community college district shall establish and maintain at least one community college, as provided in Section 25500.5 of this code.

SEC. 93. Section 5031 of the Education Code is amended to read:

5031. The governing board of any district maintaining a community college may enter into agreements with any agency of the federal government for the construction of housing and other educational facilities for students and faculties of a community college maintained by the district if the governing board determines that the income, rent and charges for the use of the facilities will be sufficient in amount to repay the principal and interest on the amount secured from the federal government for the construction of the facilities. Whenever necessary to secure the full benefits of any federal statutes pertaining to loans or grants to educational institutions for housing and other educational facilities, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government.

SEC. 94. Section 5103 of the Education Code is amended to read:

5103. Except where a school has been closed by order of a city or a county board of health, or of the State Board of Health, on account of contagious disease, or where the school has been closed on account of fire, flood, or other public disaster, the governing board of any school district shall maintain all of the elementary day schools established by it for an equal length of time during the school year, all of the day high schools established by it for an equal length of time during the school year and all of the day community colleges established by it for an equal length of time during the school year.

SEC. 95. Section 5552 of the Education Code is amended to read:

5552. The secondary schools of the state are designated as high schools, technical schools, adult schools, and community colleges.

SEC. 96. Section 5652 of the Education Code is amended to read:

5652. Each high school district shall establish and maintain for the convenience of the day pupils of the district at least one four-year high school, or in lieu thereof, at least one junior high school, and one senior high school, or if the high school district is situated within a community college district maintaining a four-year community college, at least one junior high school providing for the education of pupils of grades 7 to 10, inclusive.

A high school district which is coterminous with an elementary school district and which is a part of a community college district maintaining a community college offering four years of work including the 11th, 12th, 13th, and 14th grades may, at the option of the governing board, maintain only one or more junior high schools.

No junior high school or system of junior high schools may be established in a high school district under the provisions of

this section except as authorized by Sections 5601 to 5613, inclusive, and Section 5624.

SEC. 97. Section 5656.5 of the Education Code is amended to read:

5656.5. The principal of any high school may, with the approval of the governing board of the school district, permit 11th and 12th grade students to attend vocational education classes maintained by the community college district in which the high school is located, in accordance with Section 25513.

SEC. 98. Section 5664 of the Education Code is amended to read:

5664. This section applies to any elementary school district wholly included in a unified school district or a high school district, including a union high school district, joint union high school district, or county high school district, and which inclusion is effective for all purposes on or after July 1, 1956, and which elementary school district is required, pursuant to this article (commencing at Section 5651), to pay, during the first fiscal year commencing on the date inclusion is effective for all purposes, to the unified district or high school district in which it is included two hundred dollars (\$200) for each unit of average daily attendance for use of buildings and equipment as part of the tuition charge on account of persons residing in the elementary district who, during the preceding fiscal year, attended high school in the high school district or unified district in which such elementary district is included.

Notwithstanding other provisions of law, such elementary district shall not be liable for the payment of such two hundred dollars (\$200) a unit of average daily attendance if, prior to the date the inclusion is effective for all purposes, the elementary district assumes liability for the outstanding bonded indebtedness of the high school district, if it is included in a high school district, or for the outstanding bonded indebtedness of the unified district for high school and community college purposes, if the elementary district is included in a unified district.

For the purposes of this section, the county superintendent of schools shall determine, pursuant to Section 21802, the amount of outstanding indebtedness of a unified school district issued for high school and community college purposes.

Liability for such outstanding bonded indebtedness may be assumed at any election held for such purpose in accordance with law except that, if the elementary district is included in a unified school district, at the request of the governing board of such elementary district, the ballot shall contain, in addition to other required provisions, the words "For assumption of liability of outstanding bonded indebtedness of _____ District issued for high school purposes and community college purposes [if there is no such indebtedness for community college purposes the reference to community college purposes shall be deleted]—Yes" and "For assumption of liability for outstanding bonded indebtedness of _____ District, issued

for high school purposes and community college purposes [if there is no such indebtedness for community college purposes, the reference to community college purposes shall be deleted] —No''

SEC. 99. Section 5701 of the Education Code is amended to read:

5701. Adult schools, evening high schools and evening community colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 5706.

SEC. 100. Section 5716 of the Education Code is amended to read:

5716. Classes for adults may be maintained in conjunction with day or evening high schools, day or evening community colleges, day or evening adult schools, or day or evening regional occupational centers.

SEC. 101. Section 5718 of the Education Code is amended to read:

5718. High schools and community colleges maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm shall consist only of classes for adults.

SEC. 102. Section 5985 of the Education Code is amended to read:

5985. The governing board of any district maintaining a high school or community college may:

(a) Provide for the instruction of pupils in the skills, attitudes, and understandings necessary to success in employment by means of courses of work experience education as provided in this article.

(b) Provide for guidance and supervision procedures designed to insure maximum educational benefit to students from placement in suitable work experience education courses.

(c) Provide for arranging, approving, coordinating, and awarding credit for work experience education courses, and for those purposes employ instructors, coordinators, and other necessary personnel.

SEC. 103. Section 5991 of the Education Code is amended to read:

5991. The governing board of any school district which maintains one or more high schools or community colleges may provide for the establishment and supervision of work experience education programs in contiguous areas outside the district.

SEC. 104. Section 6070 of the Education Code is amended to read:

6070. The Legislature hereby declares that there is a need in this state for special instruction programs in the English language at all levels of education, including preschool, regular school and adult education. It is the intention of the Legislature in enacting this article to provide for the establishment and maintenance of English-language centers, to be supported by federal funds, where instructional programs in

the English language are provided for children, minors and adults, of all ages, whose inability to read, write and speak the English language, impairs their ability to cope with the challenges of an ordinary education program or impairs their ability to obtain and retain employment of a kind which is commensurate with their unrealized abilities. It is the further intention of the Legislature that the county superintendent of each county, and that the governing board of a unified or community college school district, participate in the establishment of English-language centers pursuant to this article.

SEC. 105. Section 6071 of the Education Code is amended to read:

6071. A county superintendent of schools may establish and maintain one or more English-language centers pursuant to this article.

The governing board of any unified or community college school district may establish and maintain one or more English-language centers pursuant to this article.

SEC. 106. Section 6076 of the Education Code is amended to read:

6076. A county superintendent of schools or the governing board of a unified or community college school district that wishes to establish and maintain an English-language center may apply to the State Department of Education for an allocation of funds for such purpose. Upon application the State Department of Education shall allocate to such county superintendent of schools or the governing board of a unified or community college school district, as the case may be, such funds as may be available to establish and maintain the center.

SEC. 107. Section 6268.4 of the Education Code is amended to read:

6268.4. Development of a master plan pursuant to Section 6268.2 shall include, but not be limited to, consideration of the following areas:

(a) Assess whether a proper assortment, as measured by skill demands determined from local and area employment surveys, of programs in the educational curriculum is offered in the area, while avoiding unnecessary duplication of programs.

(b) Review quality standards of vocational instruction in the area.

(c) Assure that information derived from followup studies is shared among educational institutions offering vocational education.

(d) Encourage and assist local school districts to offer effective prevocational programs.

(e) Insure that guidance and counseling information relative to vocational education and occupational experience is made available to all junior high school, high school, and community college students in the area, and insure that a substantial part of such guidance and counseling is provided by business and industry personnel.

(f) Assist in arranging, wherever appropriate, for high school juniors and seniors to take courses in community college vocational programs.

(g) Assure that workable arrangements are established to grant advanced placement in vocational programs to outstanding high school graduates.

(h) Assure that remedial programs are available, in high schools, in adult schools, and in community colleges, to allow young people who desire to enter technical programs (or who desire to enter apprenticeship), but who lack the academic qualifications, to have the opportunity to acquire those qualifications.

(i) Encourage the greater use of cooperative or work experience education programs.

(j) Inform the public of the merits and strengths of vocational education to the end that vocational education will be moved toward a parity of esteem with all other curricular areas.

SEC. 108. Section 6268.6 of the Education Code is amended to read:

6268.6. Each area vocational committee shall be composed of 12 members, as follows: three representatives of the governing boards of community college districts within the area; three representatives of school districts maintaining high schools within the area; one representative of the Department of Human Resources Development; and five public members who, through knowledge and experience, are representative of the industries in the area.

SEC. 109. Section 6268.8 of the Education Code is amended to read:

6268.8. The members of each area vocational committee shall be selected in the following manner:

(a) Each of the three representatives of the governing boards of local community college districts within the area shall be selected by a majority vote of the governing boards of community colleges within the area.

(b) Each of the three representatives of school districts maintaining high schools within the area shall be selected by a majority vote of the governing boards of school districts maintaining high schools within the area.

(c) The representative of the Department of Human Resources Development shall be selected by the Director of Human Resources Development.

(d) Each of the five public members shall be selected jointly by the Director of Human Resources Development, the Director of Vocational Education, and the Chancellor of the California Community Colleges.

SEC. 110. Section 6307 of the Education Code is amended to read:

6307. (a) Subject to regulations which the State Board of Education shall prescribe, the governing board of any school

district maintaining a four-year high school or senior high school may, for any person included in subdivision (b), evaluate classes completed in any high school, community college, or state college; grant credit toward graduation for military service and training received while in the military service of the United States, and if satisfied that such person has completed the equivalent of the requirements for graduation from high school, grant him a diploma of graduation.

(b) Persons who may be granted a diploma pursuant to subdivision (a) are:

(1) A veteran who is a resident of this state.

(2) A former member of the armed forces who is such a resident and who has received other than a dishonorable discharge.

(3) A member of the armed forces who is, and on the date he entered the armed forces was, such a resident.

SEC. 111. Section 6401 of the Education Code is amended to read:

6401. The governing board of any district maintaining a high school may determine which of the students in the 11th and 12th grade of the high school would benefit from advanced scholastic or vocational work. The governing board may authorize such students to attend a community college as special part-time students and to undertake one or more courses of instruction offered at the community college level. The number of students so authorized shall not exceed 15 percent of the number of students in the 11th and 12th grade at the high school at any one time.

SEC. 112. Section 6402 of the Education Code is amended to read:

6402. Any student authorized to attend a community college as a special part-time student pursuant to Section 6401 shall, nevertheless, be required to attend the high school for the minimum schoolday and to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

SEC. 113. Section 6403 of the Education Code is amended to read:

6403. For purposes of allowances and apportionments from the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of high school students at the community college as special part-time students pursuant to this article.

A district maintaining a high school whose 11th and 12th grade students attend a community college pursuant to this article shall, for purposes of allowances and apportionments from the State School Fund, continue to receive credit for attendance by such students computed in the manner prescribed by law, and a student's attendance at the high school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

SEC. 114. Section 6481.6 of the Education Code is amended to read:

6481.6. Noncertificated teachers' aides employed under this article shall be under the immediate supervision and direction of certificated classroom teachers and shall not be utilized to carry out administrative duties other than those administrative duties which may be assigned by the classroom teacher.

A school district may employ as a teachers' aide any person determined to be qualified, including pupils in attendance in grades 11 and 12 in high schools, and students in attendance in community colleges and in colleges and universities. The employment may be on a regular full-time, or on a part-time basis. The employment of pupils in attendance in grades 11 through 14, in public high schools and community colleges, shall be arranged so that no reduction in attendance credit and State School Fund apportionments results therefrom. Teachers' aides shall be compensated by the employing school district at a rate no lower than the federal minimum hourly wage for time in which service was actually performed. A person employed as a teachers' aide shall be under the direct supervision of a certificated employee of the school district for no less than 75 percent of the time for which he is engaged in the performance of the duties during any day. The employment of college and university students as teachers' aides may, where appropriate, be undertaken for student teaching credit purposes.

SEC. 115. Section 7451.7 of the Education Code is amended to read:

7451.7. The curriculum provided by a regional occupational center or regional occupational program shall be subject to the approval of the department and shall comply with all requirements and standards set forth in the State Plan for Vocational Education. The department shall approve regional occupational centers only after giving due consideration to vocational education opportunities offered by community colleges serving the same geographical area. The State Board of Education shall adopt rules and regulations establishing guidelines and criteria for differentiating between courses appropriate for regional occupational centers or regional occupational programs and those appropriate for high schools.

SEC. 116. Section 7560 of the Education Code is amended to read:

7560. As used in this division, "secondary schools" does not include community colleges

SEC. 118. Section 9255 of the Education Code is amended to read:

9255. Any city, county, city and county, or district superintendent of schools or any principal of any elementary or secondary school under his charge, who refuses or neglects to require the use of the state-supplied textbooks available to the pupils of his schools or school district, or who shall require any pupil, except pupils in classes for adults or community

colleges, to purchase any supplementary book or books for the pupils' use in the school is guilty of a misdemeanor.

SEC. 119. Section 10201 of the Education Code is amended to read:

10201. No provision of this chapter or of this code shall be construed as requiring the governing board of any district maintaining a community college to provide textbooks free of charge, or otherwise, to any student enrolled in other than grades 11 and 12 of the community college, nor shall any of the provisions of this chapter be construed as applicable to textbooks required or authorized to be used by students in other than grades 11 and 12 of the community college.

SEC. 120. Section 10301 of the Education Code is amended to read:

10301. The Superintendent of Public Instruction shall establish and maintain a central clearinghouse-depository for specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items for the use of visually handicapped students enrolled in the public schools of California who may require their use as shall be determined by the State Board of Education.

The specialized textbooks, reference books, recordings, study materials, tangible apparatus, equipment and other similar items shall be available for use by visually handicapped students enrolled in the public community colleges, California State Colleges, and the University of California.

SEC. 121. Section 10602 of the Education Code is amended to read:

10602. Continued willful disobedience, habitual profanity or vulgarity, open and persistent defiance of the authority of the school personnel, or assault or battery upon a student, upon school premises or while under the authority of school personnel, or continued abuse of school personnel, assault or battery upon school personnel, or any threat of force or violence directed toward school personnel, at any time or place shall constitute good cause for suspension or expulsion from school; however, no pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school activity or school attendance. Smoking or having tobacco on school premises constitutes good cause for the suspension or expulsion of a pupil except when permitted as provided in this section. The governing board of any school district maintaining a community college may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a community college by pupils of the community college 18 years of age and over and enrolled in grades above the 12th, if the campus is not shared with a high school.

SEC. 122. Section 10800 of the Education Code is amended to read:

10800. The provisions of this article do not apply to attendance in community colleges.

SEC. 123. Section 10953 of the Education Code is amended to read:

10953. The total days of attendance of a pupil upon a regular full-time day kindergarten, elementary school, high school, community college, or schools or classes maintained by the county superintendent of schools during the fiscal year shall be the number of days school was actually taught for not less than the minimum school days during the fiscal year less the sum of his absences due to causes other than those specified in this article.

SEC. 124. The heading of Article 4 (commencing with Section 11102) of Chapter 2 of Division 9 of the Education Code is amended to read:

Article 4. Attendance in Community Colleges

SEC. 125. Section 11102 of the Education Code is amended to read:

11102. In any district maintaining a community college the pupils in the 13th- and 14th-grade courses shall not be credited, on a district average, with more than 18 class hours of attendance during any five-day week of each regular semester or quarter, exclusive of attendance at summer schools.

The department shall adopt such regulations as may be necessary to carry out the provisions of this section.

SEC. 126. Section 11103 of the Education Code is amended to read:

11103. The minimum schoolday in any community college, other than an evening community college, is 180 minutes.

SEC. 127. Section 11475 of the Education Code is amended to read:

11475. The units of average daily attendance of pupils resident of a community college district enrolled in 13th- and 14th-grade courses during the academic year, as defined in Section 25511.5, exclusive of adults as defined in Section 5756, shall be computed by computing the mean average of the quotients derived in each semester or quarter by dividing by 15 the product obtained by multiplying a factor as determined by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges, to represent the relationship of weekly student contact hours, as averaged between two attendance counts per semester or quarter, to average daily attendance, by the sum of the total number of class hours for which pupils are regularly enrolled as recorded for the fourth week of six consecutive schooldays each semester or quarter.

Such factor shall be reviewed from time to time by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges.

Attendance of such pupils in classes held on Saturday shall be used in the computation of average daily attendance only for courses which are recognized upon transfer to an accredited-

ited college or university and any vocational education course, provided that any such course is also conducted for at least two class hours on separate days during the regular five-day school week.

SEC. 128. Section 11476 of the Education Code is amended to read:

11476. The attendance of adults as defined in Section 5756 shall be kept separately from all other attendance. The units of average daily attendance of adults resident of the community college district enrolled in regular 13th- and 14th-grade courses during the academic year shall be computed in the manner prescribed in Section 11475 except that the factor prescribed therein shall be adjusted as required to reflect the attendance of resident adults. The attendance of such resident adults in summer schools and classes for adults shall be computed in the manner prescribed in Sections 11479 and 11501, respectively.

SEC. 129. Section 11477 of the Education Code is amended to read:

11477. The attendance of all pupils not residents of a community college district, including adults as defined by Section 5756, enrolled in regular 13th- and 14th-grade courses during the academic year shall be kept separately from all other attendance and the units of average daily attendance for such pupils and adults shall be computed on an individual basis in the manner prescribed in Section 11475 except that for adults the factor shall be adjusted as required in Section 11476.

The units of average daily attendance of pupils and adults not residents of the community college district enrolled in summer schools and classes for adults shall be kept separately from all other attendance and be computed on an individual basis in the manner prescribed in Section 11479 and Section 11501, as appropriate.

SEC. 130. Section 11478 of the Education Code is amended to read:

11478. Each community college district shall report to the Superintendent of Public Instruction on forms prepared by the Department of Education, in addition to all other attendance data as required, and cumulative enrollment, the active enrollment and the contact hours of all students enrolled in 13th- and 14th-grade courses of summer school and show the relationship of attendance to contact hours for the second week of the summer session. The total number of whole and partial class hours of attendance and related contact hours of students enrolled in such 13th- and 14th-grade courses of less than the full summer session shall be reported separately for the week.

The Superintendent of Public Instruction shall adopt rules and regulations defining the terms "active enrollment," "con-

tact hours," and "cumulative enrollment," for the purposes of this section.

For the purposes of this section and of Sections 11102, 11475, 11476, and 11477, the term "13th- and 14th-grade courses" has the same meaning as that presented in the "Criteria and Standards for Graded Community College Courses in Grades 13 and 14" in Section 131.5 of Title 5 of the California Administrative Code.

SEC. 131. Section 11479.5 of the Education Code is amended to read:

11479.5. Notwithstanding any other provision of law, the average daily attendance of pupils enrolled in summer schools shall be credited to the community college district in the fiscal year in which the last day of the summer school falls.

SEC. 132. Section 11481 of the Education Code is amended to read:

11481. The total units of average daily attendance in the community colleges of a district shall be the total of units of average daily attendance computed under Sections 11475, 11476, 11477, 11479, and 11482.

SEC. 133. Section 11482 of the Education Code is amended to read:

11482. The units of average daily attendance in the 11th and 12th grades of each four-year community college of the district shall be computed by dividing the total number of days of pupils' attendance in such grades of the community college during the fiscal year by the number of days school was actually taught in the regular day community colleges of the district during the fiscal year.

SEC. 134. Section 11483 of the Education Code as added by Chapter 716 of the Statutes of 1969 is amended to read:

11483. If 50 percent or more of the enrollment in a police training course at a community college consists of students who are residents of community college districts other than the district offering the course, all such students enrolled shall be deemed to be resident students of the district for the purposes of this article.

SEC. 135. Section 11483 of the Education Code as added by Chapter 1009 of the Statutes of 1969 is amended to read:

11483. For the purposes of computing average daily attendance of community college pupils in work experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and work experience. The maximum contact hours counted for a student shall not exceed the maximum number of work experience units for which the student may be granted credit under the rules and regulations of the Board of Governors of the California Community Colleges.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and the certificated community college coordinator share responsibility for on-the-job supervision.

SEC. 136. Section 12253 of the Education Code is amended to read:

12253. A permit to work may be issued to a minor who is 16 or 17 years of age who is regularly enrolled in a high school or community college and who will work part time as a properly enrolled pupil in a work experience education course that meets all the requirements of such course as provided in Sections 8351 to 8357, inclusive, of this code.

SEC. 137. Section 13132 of the Education Code is amended to read:

13132. Except as otherwise provided in this section, for any standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching, there is required (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a community college, college, or university of recognized merit or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the State Board of Education as meeting undergraduate credit requirements for credentials issued by the State Board of Education or in any publicly supported community college in the state.

Such a credential issued as a provisional credential or on the basis of a partial fulfillment of requirements as provided in Section 13197.3 valid only to the credential expiration date in the year next following the date of first issuance of the credential, may be granted without the passing of this examination or the completion of this work; provided, that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

SEC. 138. Section 13187 of the Education Code is amended to read:

13187. Except as otherwise provided in Sections 13187.1, 13117, 13118, 13119, 13271, 13185, 13149, 13150, 13151, 13152, 13197.5, and 13292, the State Board of Education shall, on and after the operative date of this article, issue only the following five types of credentials:

(a) A standard teaching credential with specializations in early childhood teaching, elementary teaching, secondary teaching, or community college teaching.

(b) A standard designated subjects teaching credential.

(c) A standard designated services credential.

(d) A standard supervision credential.

(e) A standard administration credential.

SEC. 139. Section 13190 of the Education Code is amended to read:

13190. The standard teaching credential with a specialization in elementary teaching shall authorize the holder to:

(a) Teach, in kindergarten or grades 1 to 9, inclusive, except courses in special education, as follows:

(1) A person with an academic major may teach any subject in kindergarten and in grades 1 to 9, inclusive, in a self-contained class. He may teach in a departmentalized class in grades 7, 8, and 9 any subject in which he has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework when the governing board of the district maintaining such grades by resolution specifically authorizes him to teach the subject. The authorization of the governing board shall remain valid for one year and may be renewed annually.

For the purposes of this section: a "self-contained class" is a class in which most of the subjects in one grade are taught by one teacher; and a "departmentalized class" is a class in which one subject or one group of closely related subjects, is taught by one teacher.

(2) A person with other than an academic major may teach in kindergarten or in grades 1 to 9, inclusive, only in subject matter areas in which he has a major or a minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten or in grades 1 to 14, inclusive, any courses in an area in which the holder has completed specialized preparation.

(d) Serve as a librarian in an elementary school, junior high school, high school, or community college, if the holder has completed the specialized preparation area of librarianship.

(e) Teach, in continuation education classes, in continuation high schools, or in high schools, elementary-level reading.

SEC. 140. Section 13192 of the Education Code is amended to read:

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course, except in special education, in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board; except that a holder may teach only any of those subjects commonly

taught in the public high schools in which he has completed 18 or more semester hours of coursework or nine semester hours of upper division or graduate coursework. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(e) Teach, in grades 13 and 14 any course, except courses in special education, in which the holder has completed a subject matter major or minor that the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(f) Serve as a librarian in an elementary school, junior high school, high school, or community college, if the holder has completed the specialized preparation area of librarianship.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

SEC. 141. Section 13193 of the Education Code is amended to read:

13193. The minimum requirements for the standard teaching credential with a specialization in community college teaching shall be five years, or its equivalent, of college or university education in an institution approved by the State Board of Education, including each of the following:

(a) One of the following:

(1) A major in an academic subject matter area commonly taught in the public community colleges.

(2) A major and a minor, each of which is in a subject matter area commonly taught in the public community colleges, and one of which is in an academic subject matter area. Specialized preparation may be substituted for the minor when the major is in an academic subject matter area.

(3) Two minors in subject matter areas commonly taught in the public community colleges and a major, other than education and educational methodology, not commonly taught therein. If the major is not in an academic subject matter area, each minor shall be in an academic subject matter area. If the major is in an academic subject matter area, one of the minors shall be in an academic subject matter area. Specialized preparation may be substituted for one of the minors.

The State Board of Education shall adopt regulations defining the terms "major" and "minor" for the purposes of this subdivision (a).

(b) A master's degree, a doctor's degree, or other post-graduate degree approved by the State Board of Education requiring not less than five years of college or university education secured in an institution approved by the State Board of Education.

(c) Such additional requirements as may be prescribed by the State Board of Education. In promulgating any additional requirements, the State Board of Education is hereby directed to emphasize academic and subject matter preparation, professional preparation, and student teaching or its equivalent. Such additional requirements shall include provisions for a specialized preparation whenever the credential authorizes any service described in Section 13188(b).

SEC. 142. Section 13194 of the Education Code is amended to read:

13194. The standard teaching credential with a specialization in community college teaching shall authorize the holder to:

(a) Teach, in grades 11 to 14, inclusive, any courses in which the holder has completed a subject matter major, except that the holder of such credential shall not be authorized to teach in grades 11 or 12 any courses except as specified in subdivision (d) unless he has completed a course of practice teaching in any grade 9 to 12, inclusive, or its equivalent.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in grades 13 and 14, courses in which the holder has completed a subject matter minor if the governing board of the district specifically authorizes the holder to teach such courses by resolution adopted by the governing board. The authorization may be renewed annually by resolution of the governing board.

(d) Teach, in kindergarten and in grades 1 to 14, inclusive, courses in which the holder has completed a specialized area of preparation.

(e) Serve as a librarian in an elementary school, junior high school, high school, or community college if the holder has completed the specialized preparation area of librarianship.

SEC. 143. Section 13197.15 of the Education Code is amended to read:

13197.15. The standard supervision credential shall authorize the holder to serve as a supervisor, consultant, coordinator or equivalent supervisory or intermediate administrative position at all grade levels and in all areas his credential, as specified in subdivision (c) of Section 13197.1, authorizes him to teach or serve.

The standard supervision credential (except such a credential issued upon less than complete fulfillment of requirements, or issued as an exchange, limited, or provisional credential) shall also authorize the holder to serve as a principal of any school in which he is authorized to teach, if he meets the requirements of one of the following subdivisions:

(a) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in elementary teaching or a general elementary credential, and his college or university preparation included

either a major (defined by the State Board of Education pursuant to Section 13189) in an academic subject matter area or a diversified major established pursuant to Section 13189.

(b) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area.

(c) When the credential held in fulfillment of subdivision (c) of Section 13197.1 is a standard teaching credential with a specialization in community college teaching or a community college credential, and his college or university preparation included a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area.

Sec. 144. Section 13197.2 of the Education Code is amended to read:

13197.2. The minimum requirements for the standard administration credential shall be all of the following:

(a) Seven (7) years, or its equivalent, of college or university education which shall include all of the following:

(1) A baccalaureate or higher degree from an institution approved by the State Board of Education.

(2) Three (3) years of acceptable postgraduate education in a college or university approved by the State Board of Education.

(3) An approved undergraduate or graduate major as follows: when the credential specified in subdivision (b) is a standard teaching credential with a specialization in elementary teaching or a general elementary credential, a major (defined by the State Board of Education pursuant to Section 13189) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in secondary teaching or a general secondary credential, a major (defined by the State Board of Education pursuant to Section 13191) in an academic subject matter area; when the credential specified in subdivision (b) is a standard teaching credential with a specialization in community college teaching or a community college credential, a major (defined by the State Board of Education pursuant to Section 13193) in an academic subject matter area.

(b) The possession of a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching; or a general elementary credential, a general secondary credential, or a community college credential. An exchange credential, a limited credential, a provisional credential, or a credential issued upon other than completion of requirements does not fulfill this requirement.

(c) A minimum of five (5) years of successful full-time classroom teaching experience in the public elementary or secondary schools, or in private schools of equivalent status. Teaching performed under a credential authorizing teaching as

a part of an internship program approved by the State Board of Education shall be accepted toward meeting this requirement.

(d) Such additional requirements as may be prescribed by the State Board of Education. Such additional requirements shall be prescribed by the board on or before July 1, 1963.

SEC. 145. Section 13197.55 of the Education Code is amended to read:

13197.55. The State Board of Education may issue a standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching to any person who holds a regular general elementary, secondary, or community college teaching credential and who has completed the specialized preparation described in subdivision (b) of Section 13188. This credential shall authorize service at any educational level in the public schools, but only as a librarian or as a teacher of exceptional children in the area of specialized preparation completed by the applicant.

SEC. 146. Section 13197.6 of the Education Code is amended to read:

13197.6. Except as otherwise specifically required in this article, the State Board of Education shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials. Any standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching, standard designated subjects teaching credential, standard designated services credential with a specialization in pupil personnel services, standard designated services credential with a specialization in health, standard supervision credential, and standard administration credential issued pursuant to this article shall be valid during the life of the person to whom issued unless sooner suspended or revoked, except that a credential issued to an alien and a credential issued pursuant to Section 13197.3 shall be valid for the period designated by the State Board of Education in accordance with such section.

A standard teaching credential with a specialization in community college teaching issued pursuant to Chapter 1787, Statutes of 1961, shall be valid during the life of the person to whom issued unless sooner suspended or revoked.

SEC. 147. Section 13199 of the Education Code is amended to read:

13199. Notwithstanding any other provision of this code to the contrary, the minimum requirements for the standard teacher credential with a specialization in elementary teaching, secondary teaching or community college teaching may be met by compliance with all of the following:

(a) Four years or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by State Board of Education.

(c) A major and a minor, one of which shall be in an academic subject matter, and one of which may be in a non-academic subject matter area, normally taught in the public schools.

(d) Certification by the institution that the applicant has satisfactorily completed all academic subject matter courses which he would otherwise have had to complete to be issued a standard teacher credential with the specified specialization applied for.

(e) Certification by the Director of the Peace Corps of the United States that the applicant has satisfactorily completed not less than eighteen (18) months in a Peace Corps assignment in a foreign country, during which time fifty percent (50%) or more of the duties consisted of teaching resident children or adults of the foreign country.

An applicant meeting the requirements of this section shall not be required to complete any education or methodology courses or meet any other requirement relating to education or training.

SEC. 148. The heading of Article 2.4 (commencing with Section 13220) of Chapter 2 of Division 10 of the Education Code is amended to read:

Article 2.4. Credentials for Community College Personnel

SEC. 149. Section 13220 of the Education Code is amended to read:

13220. An individual employed by a school district maintaining a community college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker, shall be required to possess a credential or certification document specified in this article. The provisions of Article 1.5 (commencing with Section 13187) of this chapter shall not be applicable to an individual employed by a school district maintaining a community college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker after the effective date of this article. The Board of Governors of the California Community Colleges may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this section and such additional minimum standards as they deem appropriate for the administration and enforcement of this section.

SEC. 150. Section 13220.1 of the Education Code is amended to read:

13220.1. The minimum requirements for the community college instructor credential shall be either (a) or (b) and (c), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field except professional education; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 151. Section 13220.2 of the Education Code is amended to read:

13220.2. The community college instructor credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivision (a) or (b) of Section 13220.1, and (b) a determination by the board of governors that the applicant has complied with subdivision (c) of Section 13220.1.

SEC. 152. Section 13220.3 of the Education Code is amended to read:

13220.3. The community college instructor credential shall authorize the holder to perform the functions specified in Section 13194, except that if the credential is issued based on professional or vocational training or experience, or any combination thereof, the holder shall perform only the teaching functions authorized by regulations adopted by the Board of Governors of the California Community Colleges.

SEC. 153. Section 13220.4 of the Education Code is amended to read:

13220.4. The minimum requirements for the community college supervisor credential shall be either (a) or (b), (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) A combination of not less than two years of teaching or counseling, or both, library science, research, administrative experience in higher education, or its equivalent in post-secondary education, or its equivalent in training and development experience in other related fields; and

(d) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 154. Section 13220.5 of the Education Code is amended to read:

13220.5. The community college supervisor credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivisions (a) or (b) and (c) of Section 13220.4, and (b) a determination by the board of governors that the applicant has complied with subdivision (d) of Section 13220.4.

SEC. 155. Section 13220.6 of the Education Code is amended to read:

13220.6. The community college supervisor credential shall authorize the holder to be employed as a supervisor in a community college district.

SEC. 156. Section 13220.7 of the Education Code is amended to read:

13220.7. The minimum requirements for the community college chief administrative officer credential shall be (a), either (b) or (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from any accredited institution, in any field; and

(b) A combination of not less than two years of teaching or counseling, or both, library service, research, and administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; or

(c) Eminence in administration in higher education; and

(d) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 157. Section 13220.8 of the Education Code is amended to read:

13220.8. The community college chief administrative officer credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivisions (a) and either (b) or (c) of Section 13220.7, and (b) a determination by the board of governors that the applicant has complied with subdivision (d) of Section 13220.7.

SEC. 158. Section 13220.9 of the Education Code is amended to read:

13220.9. The community college chief administrative officer credential shall authorize the holder to be employed as a chief administrative officer or president, or both, of a community college district.

SEC. 159. Section 13220.10 of the Education Code is amended to read:

13220.10. The minimum requirements for the community college librarian, counselor, or student personnel worker credential shall be (a) and (b), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in a field related to library, counseling, or student personnel work, respectively; and

(b) Compliance with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 160. Section 13220.11 of the Education Code is amended to read:

13220.11. The community college librarian, counselor, or student personnel worker credential shall be issued by the Board of Governors of the California Community Colleges following a determination that (a) the applicant meets the requirements specified in subdivision (a) of Section 13220.10 and (b) a determination by the board of governors that the applicant has complied with subdivision (b) of Section 13220.10.

SEC. 161. Section 13220.12 of the Education Code is amended to read:

13220.12. The community college librarian, counselor, or student personnel worker credential shall authorize the holder to be employed as a librarian, counselor, or student personnel worker, respectively, in a community college district.

SEC. 162. Section 13220.13 of the Education Code is amended to read:

13220.13. Any credential issued pursuant to this article shall remain valid, for employment by the original employing community college district or any other community college district, until revoked or suspended pursuant to Article 2 (commencing with Section 13201) of this chapter. With respect to the revocation or suspension of any credential issued pursuant to this article, whenever reference is made in Article 2 (commencing with Section 13201) of this chapter to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 163. Section 13220.14 of the Education Code is amended to read:

13220.14. No applicant otherwise qualified for a credential authorized by this article shall be denied the right to receive credentials from the Board of Governors of the California Community Colleges on the grounds he is totally or partially blind; nor shall any school district maintaining a community college refuse to engage an instructor on such grounds, provided, that such blind instructor is able to carry out the duties

of the position for which he applies in the community college district.

The governing board of any school district maintaining a community college may request the commission established pursuant to Section 363 of this code for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

SEC. 164. Section 13220.18 of the Education Code is amended to read:

13220.18. (a) A provisional credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a provisional credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a provisional credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

Any issuance of a provisional credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

(b) A limited service credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a limited service credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a limited service credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

A limited service credential shall be issued to persons teaching 40 percent of the number of hours considered as a full-time assignment for permanent employees having similar duties in the community colleges of the district in which he is employed.

Any issuance of a limited service credential shall comply with the provisions of Sections 13121 to 13124, inclusive, and Sections 13126 to 13128, inclusive, with respect to credentials authorized by this article. Whenever reference is made in those provisions to the State Board of Education, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 165. Section 13220.19 of the Education Code is amended to read:

13220.19. The governing board of a community college district may, by resolution, establish administrative and supervisory positions in the classified service not requiring certification where such positions relate to business, research, or community service functions.

SEC. 166. Section 13250 of the Education Code as added by Chapter 1453 of the Statutes of 1969 is amended to read:

13250. It is the intent and purpose of the Legislature by enacting this chapter to make provisions for a New Careers Program to recruit and train persons who have completed at least 60 units of college work in a community college or a four-year institution of higher education for teaching in low-income elementary schools. It is the further intent and purpose of this chapter to provide a means by which capable persons of low-income background may enter the teaching profession. The New Careers Program is designed to provide practical teaching experience in schools with high concentrations of low-income families, as determined by the Director of Compensatory Education, concurrently with upper division academic and professional education.

SEC. 167. Section 13250.8 of the Education Code is amended to read:

13250.8. Any person who has completed at least 60 units of collegiate work and who has lived or worked extensively in areas of high concentrations of low-income families, or is a member of a minority racial or ethnic group who has lived and worked extensively in low-income areas, shall be eligible to be selected to participate in the program prescribed in this article. An intern shall be selected on the basis of high teaching potential and shall meet the personal qualifications for the issuance of a credential prescribed in Section 13129. The intern shall give reasonable evidence that he will teach for at least two years following the training program in a school in a low-income area.

Recruitment of interns for this program shall be primarily from two groups: (1) community college or lower division college students or other persons having completed 60 units of college work and (2) teacher aides already employed under Sections 6481.5, 13253, or 13770 to 13777, inclusive, and other programs providing training and teacher aide experience in the classroom setting.

SEC. 168. Section 13264 of the Education Code is amended to read:

13264. The following general provisions shall apply regardless of date of employment:

The order once determined by lot shall be permanent, and shall be entered on the permanent records of the district.

Records showing date of employment, whether kept by the district or by the county, shall be accessible, on demand,

to any certificated employee of the district or to his designated representative.

In the absence of records as to any of the matters referred to in the two preceding sections, the board, in accordance with evidence presented, shall determine the order of employment after giving employees a reasonable opportunity to present such evidence.

The governing board of every community college district shall establish the order of employment of all probationary and permanent employees of the district in the manner prescribed by Sections 13252 to 13273, inclusive, and shall keep a roster of same as a public record.

Whether or not such a roster is kept in other districts, the order of employment in all districts, when required, shall be determined as prescribed by Sections 13252 to 13273, inclusive.

The board shall have power and it shall be its duty to correct any errors discovered from time to time in its records showing the order of employment.

SEC. 169. Section 13286 of the Education Code is amended to read:

13286. The qualifications of a home teacher shall be a valid kindergarten-primary, elementary, or secondary credential to teach in the schools of the state or a standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching and special fitness to perform the duties of a home teacher.

SEC. 170. Section 13287 of the Education Code is amended to read:

13287. The qualifications of a home instructor of physically handicapped pupils shall be a valid kindergarten-primary, elementary, or secondary credential to teach in the schools of the state or a standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching or a credential authorizing the teaching of exceptional children in an area of specialized preparation.

SEC. 171. Section 13289 of the Education Code is amended to read:

13289. No person shall be employed as a librarian for more than two hours a day in any elementary or secondary school, unless he holds a valid credential of proper grade authorizing service as a librarian, or a valid elementary school teacher's credential if he is employed to serve in an elementary school, or a secondary school credential if he is employed to serve in a secondary school, or a valid standard teaching credential with a specialization in elementary teaching, secondary teaching, or community college teaching if he has completed the specialized area of librarianship.

SEC. 172. Section 13294 of the Education Code is amended to read:

13294. The qualifications for a physician employed on a half-time-or-more basis shall be a valid certificate to practice

medicine and surgery issued by the State Board of Medical Examiners or Board of Osteopathic Examiners and either a health and development credential or a standard designated services credential with a specialization in health. The qualifications for a physician employed for less than half time shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners. Any school district may employ and compensate physicians meeting the foregoing qualifications for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes, but is not limited to, any medical services required to be performed while required to be in attendance at high school or community college athletic contests or meets.

SEC. 173. Section 13318 of the Education Code is amended to read:

13318. A permanent employee of a high school district who was classified as such while serving in a community college maintained by the high school district shall, if the high school district is included in a community college district, be classified as a permanent employee of the community college district if employed by the community college district in a position requiring certification qualifications.

SEC. 174. Section 13319 of the Education Code is amended to read:

13319. Any employee in a position requiring certification qualifications of a community college school district who teaches in a four-year state institution of higher education maintained on the campus of the community college pursuant to contracts entered into between the Trustees of the California State Colleges and said district, shall, without regard to subject or grade taught, whether of community college level or higher, acquire and retain all rights to employment in said district the same as though said employee were teaching exclusively in a community college of the said district; provided, that nothing in this section shall be construed to prevent said employee from resigning from employment in said district pursuant to the provisions of Section 13401 of this code.

SEC. 175. Section 13321 of the Education Code is amended to read:

13321. The division, uniting, unionization, unification, or consolidation of any school district or districts, or any change in school district boundaries or organization, shall not affect the classification of certificated employees already employed by any school district affected. Such employees shall have the same status with respect to their classification by the district, including time served as probationary employees of the district after the division, uniting, unionization, unification, or consolidation, or change in school district boundaries or organization as they had prior thereto. If such division, uniting,

unionization, unification, or consolidation, or change in school district boundaries or organization results in the school or other place in which any such employee is employed being maintained by another district, any such employee, if a permanent employee of the district which formerly maintained such school or other place of employment, shall be employed as a permanent employee of the district which thereafter maintains the school or other place of employment, unless such employee elects to continue in the employ of the first district. If such employee is a probationary employee of the district which formerly maintained such school or other place of employment, he may be employed by the district which thereafter maintains the school or other place of employment, and, if so employed, his status with respect to classification by such district shall be the same as it would have been had the school or other place of employment continued to be maintained by the district which formerly maintained it.

As used in the preceding paragraph of this section "any change in school district boundaries or organization" includes, but is not limited to, the formation of a community college district which includes a high school district maintaining a community college.

In case the unionization, unification, uniting, or consolidation of two or more school districts results in a district in which, under the provisions of this code then in effect, the certificated employees are entitled to probationary or permanent classification, the employees of the union, unified, or consolidated district, or of the school district formed by uniting two or more school districts shall be given such classification on the same basis as certificated employees in other districts of like average daily attendance.

SEC. 176. Section 13328.5 of the Education Code is amended to read:

13328.5. Notwithstanding Section 13328, a probationary employee employed by a community college district or a community college maintained by a unified or high school district who, in any school year consisting of two semesters or three quarters, has served more than 75 percent of the number of hours considered as a full-time assignment for permanent employees having similar duties in the community colleges of the district in which he is employed, shall be deemed to have served a complete school year.

SEC. 177. Section 13331.1 of the Education Code is amended to read:

13331.1. Service under a credential authorizing service only as a teacher of basic military drill in high school and community college cadet companies established under Chapter 1 of Part 2 of Division 2 of the Military and Veterans Code shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

SEC. 178. Section 13337.5 of the Education Code is amended to read:

13337.5. Notwithstanding the provisions of Section 13337, the governing board of a school district maintaining a community college may employ as a teacher in grade 13 or grade 14, for less than a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees for grades 13 and 14 during a particular semester or quarter because of the higher enrollment of students in those grades during that semester or quarter as compared to the other semester or quarter in the academic year, or because a certificated employee has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

No person shall be so employed by any one district for more than two semesters or quarters within any period of three consecutive years.

Notwithstanding any other provision to the contrary, any person who is employed to teach adult or community college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee, and shall not become a probationary employee under the provisions of Section 13446.

SEC. 179. Section 13458.5 of the Education Code is amended to read:

13458.5. Notwithstanding any other provision of this code, the governing board of any district which maintains a community college may grant a leave of absence under Section 13457 to any employee engaged in a teaching position in grade 13 or 14 who has rendered service to the district for at least six consecutive years preceding the granting of the leave, but not more than one such leave of absence shall be granted in each six-year period. The governing board granting the leave of absence may, subject to the rules and regulations of the State Board of Education, prescribe the standards of service which shall entitle the employee to the leave of absence. No absence from the service of the district under a leave of absence, other than a leave of absence granted pursuant to Section 13457, granted by the governing board of the district shall be deemed a break in the continuity of service required by this section, and the period of such absence shall not be included as service in computing the six consecutive years of service required by this section. Service under a national recognized fellowship or foundation approved by the State Board of Education, for a period of not more than one year, for research,

teaching or lecturing shall not be deemed a break in continuity of service, and the period of such absence shall be included in computing the six consecutive years of service required by this section.

SEC. 180. Section 13460.5 of the Education Code is amended to read:

13460.5. If a unified school district which includes a community college is reorganized so that a community college district is formed in addition to the unified school district, an employee who takes his leave from the unified school district before the reorganization may satisfy the two years' service required by Section 13460 by serving for two years in either the community college district or the unified school district, as they exist after the reorganization, or in both.

SEC. 181. Section 13465 of the Education Code is amended to read:

13465. Whenever any permanent or probationary employee of a high school district is employed by a community college district pursuant to Section 13318 or 13321 such employee shall be entitled to retain all sickness and injury, sabbatical and other leave rights accumulated by service prior to such employment and the district shall recognize and grant such rights, including any accumulated rights allowed by the governing board of the high school district, as fully as if there was no change in the district maintaining the community college.

SEC. 182. Section 13465.1 of the Education Code is amended to read:

13465.1. Whenever a permanent or probationary certificated employee of a high school district is granted a leave of absence from the high school district and is employed by a community college district which is governed by a governing board composed of identical personnel as the governing board of the high school district from which the employee is on leave, such employee may, at the discretion of the governing board of the community college district, be allowed to retain all sickness and injury, sabbatical and other leave rights accumulated by service with the high school district prior to employment with the community college district, including any accumulated rights allowed by the governing board of the high school district prior to the transfer, as fully as if there were no change in employment from the high school district to the community college district. This section shall be applicable whether the transfer of employment occurred before or after the effective date of this section.

SEC. 183. Section 13503 of the Education Code is amended to read:

13503. Every person employed by the district in a position requiring certification qualifications in a day school of the district for not less than the minimum schoolday for each day the schools of the district are maintained during the school year is a full-time employee and his compensation

shall be fixed accordingly. Governing boards may require persons employed in positions requiring certification qualifications to serve a longer period of time in each schoolday than the minimums defined in Sections 11003 to 11008, inclusive, and 11052, in order to be compensated as full-time employees, provided all such employees in similar grades or levels are similarly required to serve such longer periods of time, and provided that the duties required of such persons during such extended time shall be directly related to and restricted to their normal classroom assignment. With respect to a unified school district, for the purposes of this section all day kindergarten and elementary schools of the unified school district shall be deemed to be maintained by one district, all day high schools of the unified school district shall be deemed to be maintained by a second and separate district, and all day community colleges of the unified school district shall be deemed to be maintained by a third and separate district.

SEC. 184. Section 13511 of the Education Code is amended to read:

13511. No order for a warrant, and no warrant drawn pursuant to Section 21116, shall be drawn in favor of any person employed in a position requiring certification qualifications, unless such person is at the time the holder of a proper certification document in full force for the full time for which the requisition or warrant, as the case may be, is drawn, and on file or registered as required by law at the time and unless he is employed by the governing board of the community college district, unified school district, or district with over 10,000 average daily attendance or by the county superintendent of schools as provided in this code.

SEC. 185. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month may be made on the last working day of the month and shall be paid not earlier than the last working day of the month and not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or evening community college, or in a special day or evening class maintained in connection with an elementary school shall be paid on or before the 10th day of the succeeding calendar month for services performed during the preceding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, twice a month, or once each four weeks, pursuant to Section 13517, each salary payment may be made on the last working day of the payroll period and shall be made not earlier than the last working day of the payroll period and not later than the eighth working day of the following payroll period.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the month or payroll period.

SEC. 186. Section 13565 of the Education Code is amended to read:

13565. Each community college principal shall make an annual report to the city or district superintendent of schools, or, if no superintendent is employed in the district, to the county superintendent of schools on forms furnished by the Superintendent of Public Instruction.

SEC. 187. Section 13708.2 of the Education Code is amended to read:

13708.2. In a community college district with an average daily attendance in excess of 40,000 and which is located in a metropolitan area with a population of more than 4,000,000, the governing board may authorize payment to members of the commission an amount not to exceed thirty dollars (\$30) per meeting, and not to exceed one hundred fifty dollars (\$150) per month.

SEC. 188. Section 14503 of the Education Code is amended to read:

14503. Any "teacher" within the meaning of Section 14501 of this code who is a member of the retirement system of any community college school district containing 1,000,000 or more inhabitants maintained under the provisions of Sections 14501 to 14775, inclusive, of this code, or of any section hereof, who teaches in a four-year state institution of higher education maintained on the campus of the community college pursuant to contracts entered into between the State Director of Education and said district, shall, without regard to subject or grade taught, whether of community college level or higher, continue to be a member of the said retirement system of the said district with all obligations and rights appertaining to such membership, and contributions shall be made by said teacher and said district to said retirement system in the same manner and in the same amounts, without regard to subject or grade taught in said state college, whether of community college level or higher, as though said teacher were teaching exclusively in a community college of the said district.

SEC. 189. Section 14694.1 of the Education Code is amended to read:

14694.1. The procedure stated in Section 14694 shall be applicable to a community college district to which it would have applied on January 1, 1963, but which would no longer be subject to the provisions of that section because of legislation requiring that the community college district be governed by a separate governing board.

SEC. 190. Section 14694.5 of the Education Code is amended to read:

14694.5. Any school districts (unified and community college) governed by the same governing board in which the average daily attendance of both districts combined is in excess of

400,000, shall develop a plan or plans for the discontinuance of both the unified and community college district retirement systems established under this chapter (commencing at Section 14501) and the transfer of the district retirement systems' members to another retirement system. Any such plan or plans for discontinuance must be assented to by a majority of the active members of both of the retirement systems who vote on the proposition or propositions for discontinuance by expressing their desires with respect to the discontinuance of the systems in the manner, and evidenced in the form, prescribed by the governing board of the districts. The governing board of the districts shall, following such assent to the plan or plans for discontinuance, request the Legislature to enact the implementing legislation to effectuate such plan or plans thus assented to, and to authorize the expenditure of the balance of the assets of both of the district retirement systems pursuant to the provisions of Section 14695 of this code.

In the event the Legislature enacts implementing legislation to effectuate a plan or plans for discontinuance, which plan or plans differ from the plan or plans for discontinuance developed by the governing board and assented to by a majority of the active members in the manner above provided in this section, such statutory plan or plans for discontinuance shall not become operative until assented to by a majority of the active members of both of the district retirement systems who vote on the proposition or propositions for discontinuance in the manner above provided in this section.

SEC. 191. Section 14694.8 of the Education Code is amended to read:

14694.8. Any school districts (unified and community college) governed by the same governing board, in which the average daily attendance of both districts combined is in excess of 400,000, shall submit to the active members of both systems a plan for the modification to improve benefits of both the unified and community college district retirement systems established under this chapter (commencing with Section 14501). Such plan shall provide that the member of the retirement system shall, at the time of retirement, select one of the three following alternative courses of action:

(a) To withdraw his contributions from the unified or community college district retirement system and transfer to the State Teachers' Retirement System pursuant to the procedures provided for by law.

(b) To remain under the unified or community college district retirement system and receive from such district retirement system the annuity provided by his accumulated contributions as a member of such unified or community college district retirement system, and receive a retirement allowance equal to that provided by the State Teachers' Retirement System formulae based only on such district service, minus the portion of the allowance which would have been provided by the annuity as defined in Section 13818 of this code if there

had been no district retirement system. In addition he shall receive from the State Teachers' Retirement System benefits allowable from the Permanent Fund.

(c) To remain under the unified or community college district retirement system and receive from such district retirement system the amount of benefits provided by employer contributions, as presently provided for under the rules of the unified or community college district, plus the annuity provided by his contributions as a member of such unified or community college district retirement system. In addition he shall receive from the State Teachers' Retirement System benefits allowable under the Permanent Fund.

This plan for modification to improve benefits must be assented to by a majority of the active members of both of the retirement systems who vote on the proposition for modification to improve benefits.

The plan for modification to improve benefits shall be submitted to the active members of both of the retirement systems who will vote to express their desires as to approval or disapproval of the plan for modification to improve benefits. The governing board shall submit the plan for modification to improve benefits as an alternative plan, at the same time as it submits a plan or plans for the discontinuance of both the unified and community college district retirement systems as provided in Section 14694.5, to the active members of both systems at the same time and shall prescribe the manner and form by which the active members may express their desires with respect to the plan or plans for discontinuance and the plan for modification to improve benefits.

The governing board shall submit the plan for modification to improve benefits, and the plan or plans for discontinuance, to the active members of both systems no later than November 30, 1963, for approval by such members at an election to be called and conducted by the governing board. The governing board shall report the results of such election to the Legislature no later than January 15, 1964, and shall request the Legislature to enact the implementing legislation to effectuate any such plan which may have been assented to.

In the event the Legislature enacts implementing legislation to effectuate a plan for modification to improve benefits, which plan differs from the plan developed by the governing board and assented to by a majority of the active members in the manner above provided in this section, such statutory plan for modification to improve benefits shall not become operative until assented to by the governing board and by a majority of the active members of both of the district retirement systems who vote on the proposition for modification to improve benefits in the manner above provided in this section.

SEC. 192. Section 14694.9 of the Education Code is amended to read:

14694.9. The alternative course of action offered by subdivision (b) of Section 14694.8 provides that the member elect-

ing that course shall receive from the unified or community college district retirement system, the annuity provided by his accumulated contributions as a member of such unified or community college district retirement system, and also receive from such district retirement system a retirement allowance as defined in Section 13820, equal to that portion of such allowance which is provided by the State Teachers' Retirement System formulae based only on such district retirement system service minus (1) the retirement salary, as defined in Section 13819, which is based on such district retirement system service, and (2) the annuity which would have been provided by the contributions which the member would have made to the Retirement Annuity Fund of such State Teachers' Retirement System if there had been no district retirement system. Further, such member shall receive from the State Teachers' Retirement System, the retirement salary as defined in Section 13819, based on his district retirement system service plus the retirement allowance as defined in Section 13820, provided by the State Teachers' Retirement System on the basis of all credited service other than service credited under the district retirement system.

The amendment of subdivision (b) of Section 14694.8 effected by adding this section at the 1964 First Extraordinary Session of the Legislature does not constitute a change in, but is declaratory of the preexisting law.

SEC. 193. Section 14696.2 of the Education Code is amended to read:

14696.2. If two districts, one of which is a community college district, have been included in one contract between the Board of Administration of the Public Employees' Retirement System and the governing board of said districts, as provided in paragraph (7) of subdivision (b) of Section 14696 of the Education Code, and thereafter members of the governing board of the community college district are precluded by law from serving as members of the governing body of the other district, such contract shall be deemed a separate contract as to each district. The Board of Administration of the Public Employees' Retirement System shall determine the accumulated contributions held for or as having been made by each district and its employees, and shall credit such contributions to the respective contracts. Benefits based on all service of an employee to the districts prior to the date upon which employees' elections to serve the respective districts are effective shall be a liability of the contract of the district employing such person on such effective date. A person retired prior to such effective date shall, for all purposes of this section, be deemed an employee of the district other than the community college district.

SEC. 194. Section 15452 of the Education Code is amended to read:

15452. "School building" as used in this article (commencing at Section 15451) means and includes any building used,

or designed to be used, for elementary or secondary schools or community college purposes and constructed, reconstructed, altered, or added to, by the state or by any city or city and county, or by any political subdivision, or by any school district of any kind within the state, or by the United States government, or any agency thereof.

Sec. 195. Section 15503.2 of the Education Code is amended to read:

15503.2. "School building" as used in this article excludes any building which is used for community college district administrative buildings located on a site separate from the community college campuses of the district, and into which pupils are not required to enter.

Sec. 196. Section 15516 of the Education Code is amended to read:

15516. No school building examined and found to be unsafe for school use pursuant to Section 15503 and not repaired or reconstructed in accordance with the provisions of this article shall be used as a school building for elementary and secondary school or community college purposes after June 30, 1975.

Sec. 197. Section 15707 of the Education Code is amended to read:

15707. The governing board of a school district shall call and hold an election, pursuant to Section 15708 or 15709, before or after entering a lease or agreement, as the case may be, except that if the lease or agreement does not effect an increase in the existing applicable maximum tax rate of a community college district, the election requirements of this section shall not apply.

Sec. 198. Section 15717.5 of the Education Code is amended to read:

15717.5. The governing board of a district maintaining a community college may enter into an agreement pursuant to this article without complying with Sections 15707 to 15711, inclusive, subject to the following conditions, to be ascertained and approved prior to execution of any lease or agreement, by the Department of Finance:

(a) That the agreement be limited to providing dormitory facilities to be made available to pupils enrolled in grades 13 and 14 at any community college maintained by the district.

(b) That revenues to be produced from the dormitory facilities will be adequate to meet all of the district's obligations thereunder throughout the term thereof.

(c) That under the entire transaction no lien, charge, or liability is to arise against the State of California, against the governing board of the district, or against any of the property or funds of the state, district or governing board.

Sec. 199. Section 15812 of the Education Code is amended to read:

15812. The governing board of each district maintaining a high school or community college and the president of each

state college shall provide for the annual cleaning, sterilizing, and necessary repair of football equipment of their respective schools, community colleges, or state colleges pursuant to Sections 15812 to 15814, inclusive.

SEC. 200. Section 16151 of the Education Code is amended to read:

16151. The governing board of any school district, constituting the governing body of an elementary school district, a high school district, and a community college district, or any two of such districts, may sell, or lease for a term not exceeding 99 years, any real property belonging to one of its respective districts to another district, upon the conditions set forth in this article (commencing with Section 16151), whenever the majority of the personnel of the governing body of the district selling or leasing and the majority of the personnel of the governing body of the district purchasing or to which the property is to be let, are the same.

SEC. 201. Section 16205 of the Education Code is amended to read:

16205. In any sale made pursuant to this article (commencing at Section 16201) by a high school district maintaining a community college to a newly formed community college district which includes the territory of such high school district, it shall be competent for the governing board of the high school district to give consideration to prior tuition charges for the use of buildings and equipment which have been received by the district as a result of taxes levied upon property in the territory included in the newly formed community college district and not in the high school district maintaining the community college.

SEC. 202. Section 16221 of the Education Code is amended to read:

16221. Whenever a high school district and a community college district have coterminous boundaries and the same persons comprise both governing boards, either district may sell, exchange, grant or quitclaim all or any of its interest in, or may lease for a term not exceeding 99 years, to the other, any real property belonging to the district which is not or will not at the time of delivery of title or possession be needed for school classroom buildings by the district owning it, as provided in this article.

SEC. 203. The heading of Article 5.7 (commencing with Section 16231) of Chapter 2 of Division 12 of the Education Code is amended to read:

Article 5.7. Lease or Rental of Community College Facilities

SEC. 204. Section 16231 of the Education Code is amended to read:

16231. If by the first day of June preceding the date a newly formed community college district which includes the territory of a unified school district or a high school district

maintaining a community college becomes effective for all purposes, the terms and conditions under which the newly formed community college district will lease or rent community college facilities have not been mutually agreed upon, the governing board of the community college district and the governing board of the unified school district or high school district shall notify the Superintendent of Public Instruction of such fact.

SEC. 205. Section 16232 of the Education Code is amended to read:

16232. Upon receipt of such notifications, the Superintendent of Public Instruction shall as chairman of a review board appoint two other members to the review board. One member shall be a representative of the California School Boards Association and one member shall be a representative of the California Community College Association, each nominated by the president of the respective organization. Neither member shall reside in the county in which the community college is situated or in a contiguous county.

The members of the board of review shall receive their actual and necessary travel expenses. The governing boards of the two districts involved shall allow to each member an equally proportionate part of his expenses, which amount shall be paid out of the funds of the districts.

SEC. 206. Section 16236 of the Education Code is amended to read:

16236. After considering the information, data, and evidence presented, the board of review shall make its determination of the terms and conditions under which the community college facilities are to be leased or rented. Such terms shall be binding on the governing board of each district. The agreement entered into between the two governing boards may include additional provisions that are not inconsistent with the determination of the board of review.

SEC. 207. Section 16301 of the Education Code is amended to read:

16301. The governing board of any school district, constituting the governing body of an elementary district, a high school district, and a community college district, or any two of such districts, may sell any building, structure, or other fixture, belonging to one of its respective districts to another district governed by it, for an amount to be fixed by the governing body, and approved by the county superintendent of schools, without advertisement for or receipt of bids or compliance with any other provisions of this code.

Whenever any property is sold under this section it shall be removed from the premises of the district selling it within 60 days from the date of the sale.

SEC. 208. Section 16523 of the Education Code is amended to read:

16523. The governing board of any school district which maintains a community college may rent or purchase academic caps and gowns for faculty use at ceremonies.

SEC. 209. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil at or below the 12th-grade level to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

Notwithstanding any other provisions of this section, the governing board of a district maintaining a community college may, by resolution, designate any motor vehicle operated by or for the district, a schoolbus within the meaning of this section, while it is being used for the transportation of any community college students to and from a public community college or to and from public community college activities. The designation shall not be effective until written notification thereof has been filed with the Superintendent of Public Instruction.

SEC. 210. Section 16866 of the Education Code is amended to read:

16866. The governing board of any school district maintaining a community college may use schoolbuses to transport students attending the community college of the district and teachers or other employees employed by the district to and from places which are located within a 1,500-mile geographical radius of the district and which are located in this state or in any other state of the United States in connection with courses in geology or archaeology offered by the community college.

In computing the average daily attendance of the district, there shall be excluded the attendance of such pupils while being transported on such educational excursions

Any school district which transports pupils, teachers or other employees of the district in schoolbuses pursuant to

the provisions of this section, shall report to the Superintendent of Public Instruction on forms prescribed by him the total mileage of schoolbuses used in connection with such educational excursions. In computing the additional allowance to such school district for transportation there shall be deducted therefrom an amount equal to the depreciation of schoolbuses used for such transportation in accordance with rules and regulations adopted by the Superintendent of Public Instruction.

SEC. 211. Section 16951 of the Education Code is amended to read:

16951. In each county in which a community college is not established and maintained there is hereby created a student transportation district.

SEC. 212. Section 16956 of the Education Code is amended to read:

16956. The board of supervisors may adopt a resolution declaring that there is need for a student transportation district to function if from the evidence received at such a public hearing it finds:

(a) That a community college is not established and maintained within the county by a community college district, high school district, or unified school district.

(b) That there are students residing in the county who are enrolled in the 13th or 14th grade of a state college, who can be transported daily to the state college in which they are enrolled.

Upon the adoption of this resolution the district shall begin to function.

SEC. 213. Section 17200 of the Education Code is amended to read:

17200. Beginning July 1, 1960, the accounting system used to record the financial affairs of any school district shall be designed to provide separate recording and clear distinction between expenditures for salaries of classroom teachers employed by the district and expenditures for other purposes of the district.

As used in this section "salaries of classroom teachers" means:

(a) The salary paid to each teacher employed by the district whose duties require that the full time for which the teacher is employed be devoted to the teaching of pupils of the district.

(b) The portion of the salary of each teacher whose duties require that a part, but not all, of the full time for which the teacher is employed be devoted to the teaching of pupils of the district, which is equal to the portion of such full time actually devoted by the teacher to teaching pupils of the district.

As used in this section a "teacher" means an employee of the district employed in a position requiring certification qualifications and whose duties require him to teach pupils of the district for at least one full instructional period each school

day for which the employee is employed. In the case of a teacher employed to teach in an elementary school, an instructional period is a period of not less than 20 minutes. In the case of a teacher employed to teach in a secondary school, an instructional period is the number of minutes equal to the number of minutes of the regular academic period in the junior high school, high school, or community college in which the teacher is employed to teach.

SEC. 214. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars (\$180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, eighty-three dollars and fourteen cents (\$83.14) for the fiscal year 1967-1968 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which one dollar and sixty cents (\$1.60) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, community college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents (\$21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under sub-

divisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Section 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 215. Section 17301.3 of the Education Code is amended to read:

17301.3. (a) The amount to be transferred to the State School Fund under Section 17301 shall in each fiscal year be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to the State School Fund shall be at the state's rate of contribution under Section 17301 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303. The amount of any adjustment shall not, however, cause the amount to be transferred to the State School Fund during any fiscal year under Section 17301 to be less than one hundred eighty dollars (\$180) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds.

(b) If in any fiscal year the amount transferred to the State School Fund under Sections 17305 and 17307 is reported to be in error, the Superintendent of Public Instruction shall notify the Controller of such error and he shall add to or withhold from the next apportionment moneys due the district by transfers from or returns to the General Fund of such erroneous amounts.

SEC. 216. Section 17303.5 of the Education Code is amended to read:

17303.5. The amounts transferred to the State School Fund pursuant to Items 321 and 321.5 of the Budget Act of 1969 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents (\$21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to seventy cents (\$0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars and forty cents (\$4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Eighteen dollars and ten cents (\$18.10) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and Section 18062, and Article 11 (commencing with Section 18101) of Chapter 3 of this division.

(d) Three dollars and six cents (\$3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) One dollar and sixty-seven cents (\$1.67) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426.

(f) Two hundred forty-nine dollars and eighty-two cents (\$249.82) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, allowances for

adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

(g) Eight dollars and twenty-three cents (\$8.23) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6.

(h) The amount provided by Section 17303.7 for the purposes of the Educational Improvement Act of 1969 (Chapter 6.8 (commencing with Section 6499.200) of Division 6).

(i) One dollar and fifty-nine cents (\$1.59) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds for allowances under the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6), but not to exceed eight million dollars (\$8,000,000).

SEC. 217. Section 17304 of the Education Code is amended to read:

17304. The Superintendent of Public Instruction shall report to the Controller, on or before the 25th day of September of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and to county school tuition funds.

SEC. 218. Section 17402 of the Education Code is amended to read:

17402. The Superintendent of Public Instruction shall on or before February 20th of each year apportion to each elementary school district, high school district, community college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426, 17751, 17801, 17851, 17901, 17902, 17904, 17926, 17951, 17952, 18060, 18062, 18102, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the first principal apportionment.

SEC. 219. Section 17405 of the Education Code is amended to read:

17405. The Superintendent of Public Instruction shall on or before December 10th of each year apportion:

(a) To each elementary, high school, and community college district, and county school service fund the total of amounts allowed to them under Sections 18051 to 18059, inclusive, and Sections 18301 to 18307, inclusive, and

(b) To each school district maintaining a high school or high schools, each county superintendent of schools, the California Youth Authority and the State Department of Education

the total of amounts allowed to them under Sections 18251 to 18255, inclusive.

This apportionment shall be called the special purpose apportionment.

SEC. 220. Section 17407 of the Education Code is amended to read:

17407. The Superintendent of Public Instruction shall on or before June 25th of each year apportion to each elementary school district, high school district, community college district, county school service fund, and county school tuition fund the total amounts allowed to them under Sections 6426, 17751, 17801, 17851, 17901, 17902, 17904, 17926, 17951, 17952, 18060, 18062, 18102, 18352, 18355, 18358, 18401, and Sections 18451 to 18456, inclusive, whichever are in effect. This apportionment shall be called the second principal apportionment.

SEC. 221. Section 17411.1 of the Education Code is amended to read:

17411.1. The Superintendent of Public Instruction shall withhold from the apportionment to a community college district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the district for the average daily attendance in grades 13 and 14 by reason of the operation of Section 17666.2 of pupils residing in the district who were in attendance at a community college in another district. The amount withheld per unit of average daily attendance shall be determined by dividing the total amount of basic state aid and state equalization aid computed for the district of residence of such pupils by the total foundation program average daily attendance of the district.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the community college district maintaining the community college at which the pupils were in attendance.

SEC. 222. The heading of Article 4 (commencing with Section 17451) of Chapter 2 of Division 14 of the Education Code is amended to read:

Article 4. Requirements for Disbursement From State School Fund for Newly Formed Community Colleges

SEC. 223. Section 17451 of the Education Code is amended to read:

17451. Whenever any community college district is formed which includes a high school or unified school district maintaining a separate day community college, the governing board of the community college district may apply to the Superintendent of Public Instruction for an apportionment pursuant to this article (commencing at Section 17451).

SEC. 224. Section 17452 of the Education Code is amended to read:

17452. The application shall be made in the form and manner prescribed by the Superintendent of Public Instruction

not later than the effective date of the formation of the community college district for all purposes. Each application shall include an estimate of the average daily attendance of pupils in the regular day community college of the high school or unified school district during the fiscal year immediately preceding the effective date of the inclusion of such high school or unified school district in the newly formed community college district signed by the county superintendent of schools having jurisdiction over the community college district. Such estimate shall be based upon enrollment in the regular day community college of the high school or unified school district included in such community college district during the current fiscal year and shall be subject to the approval of the Superintendent of Public Instruction.

SEC. 225. Section 17453 of the Education Code is amended to read:

17453. Not later than 30 days after such application, the Superintendent of Public Instruction shall apportion to each applicant school district from the State General Fund, as an advance against future apportionments from the State School Fund to such district, an amount equal to one-half of the basic state aid to which the district is entitled during the first fiscal year of the existence of such district, based upon the estimated average daily attendance of pupils in the regular day community college of the high school or unified school district during the fiscal year immediately preceding the effective date of the inclusion of such high school or unified school district in the newly formed community college district for all purposes.

SEC. 226. Section 17454 of the Education Code is amended to read:

17454. The Superintendent of Public Instruction shall furnish an abstract of all apportionments made to community college districts of any county under this article (commencing at Section 17451) to the State Controller, the Department of Finance and to the county auditor, county treasurer and county superintendent of schools of the county and shall certify such apportionments to the State Controller who shall thereupon draw his warrants on the State General Fund in favor of the county treasurer of each county for the amounts apportioned to the community college districts of the county.

SEC. 227. Section 17456 of the Education Code is amended to read:

17456. During each of the two successive fiscal years commencing with the first fiscal year of the existence of a newly formed community college district for all purposes the State Controller shall deduct from apportionments made to each such district from the State School Fund one-half of the amount apportioned to such district under this article (commencing at Section 17451) and shall pay the same into the State General Fund.

SEC. 228. Section 17461 of the Education Code is amended to read:

17461. Loans may be made by the Superintendent of Public Instruction from the School District Organization Revolving Fund at any time during the first three years of the existence of any newly formed community college district in amounts necessary to enable the district to meet the current expenses of operation. A loan may be made upon approval, by the Superintendent of Public Instruction, of an application therefor submitted by the governing board of a newly formed community college district. A loan may be made only if the Superintendent of Public Instruction determines that the applicant newly formed community college district is in need of funds to meet the current expenses of operation, and that the general purpose tax rate of the district for the fiscal year in which the application is submitted is at least equal to the average of such rates applicable at that time in other districts maintaining community colleges in the same county or in adjacent counties.

For purposes of this section the Superintendent of Public Instruction may prescribe the form in which applications are to be submitted, and may require the submission of such information and data by the applicant district as he may deem necessary to make any required determinations.

During each of the five fiscal years immediately succeeding the fiscal year in which a loan is made under this section, the State Controller shall deduct from apportionments made from the State School Fund to the newly formed community college district an amount equal to one-fifth of the amount loaned to the district, and pay the same amount into the School District Organization Revolving Fund.

SEC. 229. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code provided, however, that the cost of all health and welfare benefits provided to the teachers by the school district shall be included within the meaning of salaries of classroom teachers.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20651 of this code for administration, instruction (including salaries and other expense), auxiliary services, school plant (including operation and maintenance), and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service,

capital outlay, state school building loan repayment; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of such act of Congress.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a community college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars (\$1,000), and if the amount is one thousand dollars (\$1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for

exemption is made or exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

SEC. 230. Section 17505 of the Education Code is amended to read:

17505. Notwithstanding any other provision of law to the contrary, Section 17503 shall not apply to any elementary school district, high school district, or unified school district, which maintains no individual class session with pupils in attendance exceeding the numbers, for the particular grade levels, following:

(a) An elementary school district—twenty-eight (28) pupils.

(b) A high school district—twenty-five (25) pupils.

(c) A unified school district—twenty-eight (28) pupils in respect to grades kindergarten through 8, inclusive; and twenty-five (25) pupils in respect to grades 9 through 12, inclusive.

The provisions of this section shall in no way affect the applicability of Section 17503 to districts with respect to maintenance of community colleges, and individual class sessions in grades 13 and 14 maintained by any school district shall not be considered for purposes of this section.

As used in this section the phrase "individual class session" shall not include any class session held in grades kindergarten through 8, inclusive, in courses in art, instrumental and vocal music, industrial arts, and physical education. The phrase shall not include any class session held in grades 9 through 12, inclusive, in courses in commercial arts, instrumental and vocal music, industrial arts, vocational arts, and physical education. The phrase "individual class session" shall not include any class session held in grades 9 through 12, inclusive, for which two or more individual class groups which come within the descriptions specified by the first paragraph of this section and subdivision (a) or (b), or both, are assembled together in the same room for joint lectures or demonstrations.

Notwithstanding the provisions of subdivisions (b) and (c), grades 7, 8, and 9 of a junior high school shall be deemed to be high school grades for purposes of this section.

The governing board of each school district shall, subject to the rules and regulations of the Superintendent of Public Instruction and in the manner and form he shall prescribe, certify to that officer on or before December 31 of each year,

information concerning its individual class sessions and the numbers of pupils in attendance thereon, as of October 31 of the same year which certification shall constitute the basis for the applicability of the provisions of this section to the school district.

SEC. 231. Section 17522.5 of the Education Code is amended to read:

17522.5. The provisions of this article shall not be applicable to a community college district.

“Full-time equivalent classroom teachers” and “full-time certificated nonteaching employees” employed by a school district in connection with a community college maintained by the school district shall not be considered for the purposes of this article.

SEC. 232. Section 17555 of the Education Code is amended to read:

17555. No community college district or high school district shall receive any apportionment from the State School Fund on account of any community college which has failed for three consecutive years to comply with the standards prescribed by the State Board of Education for accredited community colleges.

SEC. 233. Section 17556 of the Education Code is amended to read:

17556. When a community college district is formed pursuant to Article 3 (commencing with Section 2551) of Chapter 6 of Division 5 of this code to include all of the territory of a high school district or a unified district, no apportionment of funds from the State School Fund shall be made to the high school district or the unified district on account of pupils attending community college in such district during the school year in which the new community college district becomes effective for all purposes or thereafter.

SEC. 234. Section 17601 of the Education Code is amended to read:

17601. For the purposes of computing allowances and apportionments from the State School Fund for the advance apportionment, first principal apportionment, and second principal apportionment on the basis of average daily attendance:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each community college district shall be deemed to comprise the 13th and 14th grades maintained by the district.

(d) Each high school district maintaining grades 13 and 14 shall be deemed to be a community college district comprising grades 13 and 14.

(e) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a community college district comprising the 13th and 14th grades maintained by the district.

SEC. 235. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is

greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the appropriate increases and decreases in the attendance for such schools and classes for which separate state financial support is provided shall be brought forward to the appropriate attendance computation for such schools and classes on the second period report for the next succeeding fiscal year.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each community college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For community colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For community colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

SEC. 236. Section 17603.5 of the Education Code is amended to read:

17603.5. The amounts computed as allowable to any school district for state equalization aid shall be reduced by fifty percent (50%) of miscellaneous funds, as defined in Section

17606. In no event shall the reduction exceed the total amount allowable as equalization aid to the school district for the fiscal year. For such purposes, miscellaneous funds, as defined in Section 17606, received by a unified school district, shall be allocated to the kindergarten and elementary, high school and community college grades, respectively, on the basis of the proportion of the district's total average daily attendance in each such grade level, and the provisions of Section 17601 shall be applicable.

Should the amount of miscellaneous funds, as defined in Section 17606, actually received by a school district for any fiscal year be more or less than that reported to the Superintendent of Public Instruction, the Superintendent of Public Instruction shall during the fiscal year next succeeding withhold from or add to the apportionment made to the district from the State School Fund the amount of the excess or deficiency in the apportionment of state equalization aid from the State School Fund for the preceding year, if the amount of the excess or deficiency in such apportionment was one hundred dollars (\$100) or more.

SEC. 237. Section 17609 of the Education Code is amended to read:

17609. For the purposes of computation of allowances and apportionments from the State School Fund, under effective sections of this code, each elementary school district as defined by Section 17608, high school district and community college district merged or otherwise included within a unified school district shall be deemed a separate and independent district, but all apportionments from the State School Fund on account of any district merged or otherwise included within a unified school district shall be made to the unified school district and shall be available for expenditure by the unified school district for all schools and classes of the district.

SEC. 238. Section 17609.1 of the Education Code is amended to read:

17609.1. For purposes of state apportionments, a community college district formed to comprise a single unified school district shall be considered as a community college district separate from the unified school district.

SEC. 239. Section 17609.2 of the Education Code is amended to read:

17609.2. For purposes of apportionment of state community college funds, each unified school district which includes a community college district shall be considered as a community college district.

SEC. 240. Section 17611 of the Education Code is amended to read:

17611. For the purposes of computation of allowances and apportionments from the State School Fund, whenever computations of apportionments based on average daily attendance are made for community college districts only the attendance in all classes of grades 13 and 14 and all types of

ungraded classes, including classes for adults, which have been reported as attached to, or as a part of, a community college which maintains grades 13 and 14 shall be included.

SEC. 241. Section 17617 of the Education Code is amended to read:

17617. No real or personal property, including money, accepted pursuant to Section 1044 of this code by the governing board of any district maintaining a community college, shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

SEC. 242. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a community college district which qualifies under subdivision (b), for each community college district, he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred forty-three dollars (\$643).

(b) For each community college district which has an average daily attendance of less than 1001 during the fiscal year 1965-1966 and during the fiscal year 1966-1967, and for each community college district which has an average daily attendance of less than 1,001 during the fiscal year and qualifies as a necessary small community college district as defined in Section 17666.3 for the fiscal year 1969-1970 and fiscal years thereafter, the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

Average daily attendance	Minimum number of full-time certificated employees	Amount to be computed
1- 150-----	12	\$172,900
151- 200-----	15	225,133
201- 300-----	18	277,366
301- 400-----	21	329,599
401- 500-----	24	381,832
501- 600-----	27	434,065
601- 700-----	30	486,298
701- 800-----	33	538,531
801- 900-----	36	590,764
901-1,000-----	39	643,000

(c) A community college district shall not be eligible for the foundation program computed under subdivision (b), unless it levies during the fiscal year a tax, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801 and 22101, of not less than thirty-five cents (\$.35).

For purposes of this section and Section 17851, the average daily attendance of a community college district shall, sub-

ject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students deemed "nonresident" as defined in Sections 25505 and 25505.1. Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.1 shall be included in the average daily attendance of a community college for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

(d) In the event a community college district to which the provisions of subdivision (b) of this section applies is included by any reorganization authorized by law in a community college district which has an average daily attendance of 1,001 or more, the Superintendent of Public Instruction shall continue to compute the foundation program for the community college district included by such reorganization in accordance with the provisions of subdivision (b) of this section.

SEC. 243. Section 17666.3 of the Education Code is amended to read:

17666.3. For the purposes of Section 17666.2, a necessary small community college district is a community college district with an average daily attendance of less than 1,001 during the fiscal year, and which comes within the following conditions:

(a) The projection of the average daily attendance, as used and defined in Section 17666.2, for the district for the next three immediately succeeding fiscal years shall not exceed 1,001.

(b) Any one of the following conditions applies:

(1) One campus of the community college district is more than 30 miles by a well-traveled road from the nearest other public community college; and either 90 percent of the pupils, exclusive of adults as defined in Section 6352, would be required to travel 20 miles, or 25 percent of the pupils, exclusive of adults as defined in Section 6352, would be required to travel 30 miles one way from a point on a well-traveled road to the nearest other public community college.

(2) The conditions under paragraph (1) of this subdivision do not apply, but on annual application of the district the State Board of Education has determined for the fiscal year that the district is located in an area sufficiently remote so as to necessitate local current expenditures significantly higher than statewide average current expenditures for community colleges.

SEC. 244. Section 17667 of the Education Code is amended to read:

17667. Each computation required by this article (commencing at Section 17651) for high school and community college districts shall be made after excluding from the average daily attendance for the fiscal year the average daily attendance of adults, as adults are defined in Section 5756, and the average daily attendance in classes for inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults during the fiscal year.

SEC. 245. Section 17851 of the Education Code is amended to read:

17851. The Superintendent of Public Instruction shall allow to each community college district one hundred twenty-five dollars (\$125) for each unit of average daily attendance in grades 13 and 14.

Beginning with the fiscal year 1960-1961, average daily attendance for the purpose of this section shall be computed under Sections 11451 and 11501, subject to the provisions of Sections 17611 and 17666.2.

The Superintendent of Public Instruction shall exclude from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 5756, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults.

SEC. 246. Section 17904 of the Education Code is amended to read:

17904. The Superintendent of Public Instruction shall compare the total of the amounts allowed to, and computed for, each community college district pursuant to Sections 17702 and 17851, with the amount of the foundation program computed for each district pursuant to Section 17666.2.

If the total amount computed for any district pursuant to Sections 17702 and 17851, is less than the amount of the foundation program computed for such district pursuant to Section 17666.2, he shall add to the amount computed for such district pursuant to Sections 17702 and 17851, such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Section 17666.2.

SEC. 247. Section 17906.2 of the Education Code is amended to read:

17906.2. No state equalization aid shall be allowed unless there shall have been levied pursuant to this code, for a district during the fiscal year, a tax, exclusive of taxes levied under Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101, of not less than one dollar (\$1) if an elementary district, eighty cents (\$.80) if a high school district, and twenty-five cents (\$.25) if a community college district.

SEC. 248. Section 17923 of the Education Code is amended to read:

17923. For each unified school district, the Superintendent of Public Instruction shall determine that portion of the General Fund tax rate which is in excess of (1) one dollar and eighty cents (\$1.80), if deemed to be an elementary school district and a high school district under Section 17601, and (2) two dollars and fifteen cents (\$2.15), if deemed to be a community college district under Section 17601, exclusive of rates levied pursuant to Sections 1822.2, 1825, 16633, 16635, 16645.9, 19443, 19619, 20801, and 22101.

In determining the allowances under this article, the rate computed under this section shall first be applied to the elementary school district to the extent authorized in Section 17924, and second to the high school district to the extent authorized in Section 17925.

SEC. 249. Section 17940 of the Education Code is amended to read:

17940. Notwithstanding the provisions of Articles 4, 5, 6, and 7 (commencing with Sections 17751, 17801, 17851 and 17901, respectively) of this chapter or any other provision of law to the contrary, if the computation made under Article 7 (commencing with Section 17901) of this chapter for any grade level maintained by a district, excluding grades 13 and 14 maintained by a community college, results in no allowance of equalization aid for such district for such grade level, the amount allowable therefor to such district under said Articles 4, 5, 6, and 7 of this chapter, per unit of the particular categories of average daily attendance used for such computations, shall be one hundred twenty-five dollars (\$125) per unit of such average daily attendance during the preceding fiscal year.

SEC. 250. Section 17951 of the Education Code is amended to read:

17951. The allowance for each unit of average daily attendance during the fiscal year for adults, as adults are defined in Section 5756, shall be as follows:

(a) For high school districts the allowance shall be three hundred fifty dollars (\$350) less the product of fifty cents (\$0.50) multiplied by each one hundred dollars (\$100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

(b) For each unit of average daily attendance attached to a community college the allowance shall be five hundred twenty dollars (\$520) less the product of twenty-four cents (\$0.24) multiplied by each one hundred dollars (\$100) of the assessed valuation of the district per unit of average daily attendance exclusive of adults.

The allowance provided by this section for each unit of average daily attendance of an adult, as an adult is defined in Section 5756, not residing in the district and not residing in any district maintaining a community college shall be limited

to one hundred twenty-five dollars (\$125) as basic state aid and no allowance shall be made based on state equalization aid. The total of basic and equalization aid allowed each district shall not be less than one hundred twenty-five dollars (\$125) for each unit of average daily attendance during the fiscal year for resident adults, exclusive of average daily attendance in classes for inmates of any state institution for adults and for inmates of any city, county, or city and county jail, road camp or farm for adults.

If any computation made under any of the preceding paragraphs of this section produces an allowable amount not in excess of one hundred twenty-five dollars (\$125) per unit of average daily attendance, such allowable amount computed shall be adjusted if, and to the extent necessary, so that the actual allowance shall not exceed one hundred twenty-five dollars (\$125) per unit of average daily attendance of the adults in high schools and community colleges during the preceding fiscal year.

SEC. 251. The heading of Article 8.5 (commencing with Section 17970) of Chapter 3 of Division 14 of the Education Code is amended to read:

Article 8.5. Computation of Allowances for Community College Pupils Who Are Not Residents of Any Community College District

SEC. 252. Section 17970 of the Education Code is amended to read:

17970. For the fiscal year 1961-62 and each fiscal year thereafter, the Superintendent of Public Instruction shall allow to each community college district for each unit of average daily attendance of pupils not residing in the district and not residing in any district maintaining a community college, one hundred twenty-five dollars (\$125) as basic state aid.

There shall be excluded from the computation of allowances provided by this section the average daily attendance of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp, or farm for adults.

SEC. 253. Section 18055 of the Education Code is amended to read:

18055. (a) He shall allow to each elementary school district, high school district, and community college district, except as to any to which subsections (b), (c) and (d) of this section or Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment roll of the district for the

preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents (\$0.02) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than eight cents (\$0.08) of the computed tax rate less two cents (\$0.02), (2) 75 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of computed tax less eight cents (\$0.08), (3) 80 percent of the amount which would be produced by not more than twenty-four cents (\$0.24) of the computed tax less sixteen cents (\$0.16), and (4) 90 percent of the amount which would be produced by the computed tax less twenty-four cents (\$0.24).

(b) He shall allow to each high school district maintaining a community college, or maintaining 13th and 14th grades, except as to any to which Section 18057 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate less three cents (\$0.03), (2) 75 percent of the amount which would be produced by not more than twenty-four cents (\$0.24) of the computed tax rate less twelve cents (\$0.12), (3) 80 percent of the amount which would be produced by not more than thirty-six cents (\$0.36) of the computed tax rate less twenty-four cents (\$0.24), and (4) 90 percent of the amount which would be produced by the computed tax rate less thirty-six cents (\$0.36).

(c) He shall allow to each elementary school district which is not a part of a high school district and which during the preceding fiscal year provided for the transportation of pupils to the elementary schools of the district and to one or more high schools in other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment role of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents (\$0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents

(\$0.16) of the computed tax rate less four cents (\$0.04), (2) 75 percent of the amount which would be produced by not more than thirty-two cents (\$0.32) of the computed tax rate less sixteen cents (\$0.16), (3) 80 percent of the amount which would be produced by not more than forty-eight cents (\$0.48) of the computed tax rate less thirty-two cents (\$0.32), and (4) 90 percent of the amount which would be produced by the computed tax rate less forty-eight cents (\$0.48).

If an elementary district which is not a part of a high school district provides only for the transportation of pupils to a high school, an amount shall be computed as provided in subdivision (a) of this section.

(d) He shall allow to each high school district not a part of any community college district which during the preceding fiscal year provided for the transportation of pupils to the high schools of the district and pupils attending community colleges maintained by other districts an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents (\$0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of the computed tax rate less four cents (\$0.04), (2) 75 percent of the amount which would be produced by not more than thirty-two cents (\$0.32) of the computed tax rate less sixteen cents (\$0.16), (3) 80 percent of the amount which would be produced by not more than forty-eight cents (\$0.48) of the computed tax rate less thirty-two cents (\$0.32), and (4) 90 percent of the amount which would be produced by the computed tax rate less forty-eight cents (\$0.48).

If a high school district which is not a part of a community college district provides only for the transportation of pupils to a community college, an amount shall be computed as provided in subdivision (a) of this section.

Sec. 254. Section 18056 of the Education Code is amended to read:

18056. (a) He shall allow to each unified school district formed under the provisions of Sections 3001 to 3451, inclusive, of this code, the formation of which became effective on July 1, 1948, or thereafter, an amount equal to the total current expenses of the district during the preceding fiscal year for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change of the location of schoolhouses or the reorganization of attendance centers within the district during such preceding fiscal year. No allowance shall be made under this paragraph

subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of subsection (b) or (c) of this section shall control as to such district.

(b) He shall allow to each unified school district not maintaining a community college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate less three cents (\$0.03), (2) 75 percent of the amount which would be produced by not more than twenty-four cents (\$0.24) of the computed tax rate less twelve cents (\$0.12), (3) 80 percent of the amount which would be produced by not more than thirty-six cents (\$0.36) of the computed tax rate less twenty-four cents (\$0.24), and (4) 90 percent of the amount which would be produced by the computed tax rate less thirty-six cents (\$0.36).

(c) He shall allow to each unified school district maintaining a community college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents (\$0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of the computed tax rate less four cents (\$0.04), (2) 75 percent of the amount which would be produced by not more than thirty-two cents (\$0.32) of the computed tax rate less sixteen cents (\$0.16), (3) 80 percent of the amount which would be produced by not more than forty-eight cents (\$0.48) of the computed tax rate less thirty-two cents (\$0.32), and (4) 90 percent of the amount which would be produced by the computed tax rate less forty-eight cents (\$0.48).

Sec. 255. Section 18057 of the Education Code is amended to read:

18057. He shall compute for each group of two or more school districts which have been continuously from a time prior

to July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year.

(a) He shall, if such group comprises an elementary school district and a high school district not maintaining a community college and each district provided for the transportation of pupils, or comprises an elementary school district, a high school district, and a community college district and each district except the community college district provided for the transportation of pupils residing in the district, or comprises a high school district and a community college district and each district provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of that one of such districts providing for the transportation of pupils which has the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow the district (1) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate-less three cents (\$0.03), (2) 75 percent of the amount which would be produced by not more than twenty-four cents (\$0.24) of the computed tax rate less twelve cents (\$0.12), (3) 80 percent of the amount which would be produced by not more than thirty-six cents (\$0.36) of the computed tax rate less twenty-four cents (\$0.24), and (4) 90 percent of the amount which would be produced by the computed tax rate less thirty-six cents (\$0.36).

(b) He shall, if such group comprises an elementary school district, and a high school district maintaining a community college, each of which provided for the transportation of pupils, including those attending the community college, or comprises an elementary school district, a high school district, and a community college district (other than one providing transportation only for pupils not residing in the district), each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars (\$100) of the assessed valuation of that one of such districts providing for the transportation of pupils which had the largest assessed valuation as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents (\$0.04) he shall allow to the district (1) 50 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of the computed tax rate less

four cents (\$0.04), (2) 75 percent of the amount which would be produced by not more than thirty-two cents (\$0.32) of the computed tax rate less sixteen cents (\$0.16), (3) 80 percent of the amount which would be produced by not more than forty-eight cents (\$0.48) of the computed tax rate less thirty-two cents (\$0.32), and (4) 90 percent of the amount which would be produced by the computed tax rate less forty-eight cents (\$0.48).

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the groups certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

SEC. 256. Section 18102.2 of the Education Code is amended to read:

18102.2. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of mentally retarded minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of mentally retarded minors by the maximum class size established by law for special day classes for mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of thirteen thousand eight hundred ninety dollars (\$13,890), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 257. Section 18102.4 of the Education Code is amended to read:

18102.4. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of severely mentally retarded minors

during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of severely mentally retarded minors by the maximum class size established by law for special day classes for severely mentally retarded minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of fifteen thousand two hundred sixty dollars (\$15,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of severely mentally retarded minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of severely mentally retarded minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 258. Section 18102.6 of the Education Code is amended to read:

18102.6. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools for the education of educationally handicapped minors during the current fiscal year an amount computed as follows:

(a) Dividing the average daily attendance of educationally handicapped minors by the maximum class size established by law for special day classes for educationally handicapped minors, and increasing the quotient to the next highest integer where a fractional amount is produced.

(b) Multiplying the amount computed under subdivision (a) by a total support guarantee of sixteen thousand two hundred sixty dollars (\$16,260), and

(c) Subtracting from the amount computed under subdivision (b) the applicable of the following amounts:

(1) The product of the average daily attendance of educationally handicapped minors in kindergartens and grades 1 to 8, inclusive, and the foundation program per pupil established for elementary school districts with an average daily attendance of 901 or more by Section 17660, and

(2) The product of the average daily attendance of educationally handicapped minors in grades 9 to 14, inclusive, and the foundation program per pupil established for high school

districts with an average daily attendance of 301 or more by Section 17665.

(3) The product of the average daily attendance of physically handicapped minors in grades 13 and 14, and the foundation program per pupil established for community college districts with an average daily attendance in excess of 1,000 by Section 17666.2.

SEC. 259. Section 18451 of the Education Code is amended to read:

18451. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355, 18356, 18357, 18358 and 18401, to be apportioned on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and county school tuition funds on account of elementary, high school, and community college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Sections 18060, 18062, and 18102 shall not exceed the amount provided by law therefor.

SEC. 260. Section 18452 of the Education Code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 6426, 6762, 17751, 17801, 17851, 17901, 17902, 17904, 17905, 17906, 17926, 17951, 17952, 17970, 18355, 18356, 18357, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 261. Section 18455 of the Education Code is amended to read:

18455. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17751, 17801, 17851, 17926, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 17970, 18355, 18356, 18357, 18358, and 18401, on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, community college and adult schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

SEC. 262. Section 18903 of the Education Code is amended to read:

18903. As used in this chapter (Sections 18901 to 19153, inclusive):

(a) "State project" means any construction project undertaken by the state, or the state and federal government jointly, which will cause a sudden influx of people into the area affected and where sufficient housing, schools, and other community facilities are not available. For the purposes of this subdivision the Governor is hereby empowered to proclaim any major construction project undertaken by the state as a "state project" and define the area affected or likely to be affected thereby when:

1. He finds that the construction project will cause a sudden influx of people into the area; and

2. He is requested to do so by the county board of supervisors.

Such proclamation shall be in writing and shall take effect immediately. As soon thereafter as possible it shall be filed in the office of the Secretary of State.

(b) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(c) "Director" means the Director of Education.

(d) "Project" means the purposes for which a school district has applied for an apportionment.

(e) "Construction project" means the purposes for which a school district has applied for an apportionment at a given location.

(f) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or community college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(g) "Apportionment" means an apportionment made under this chapter (Sections 18901 to 19153, inclusive) unless the context otherwise requires.

(h) "Project children" means children of parents who have come to the district subsequent to the start of the state project and who are employed by the State of California or the federal government in connection with a state project and children of parents employed by any contractor or subcontractor of a state project.

(i) "Indirect project children" means children of parents who have come to the district subsequent to the start of the state project and who are not employed by a contractor or subcontractor of a state project but who are children in the area in addition to those which would be expected as a result of normal development and growth of the area as determined pursuant to regulations of the director which he is hereby authorized to adopt.

(j) "Parent" includes a legal guardian or other person standing in loco parentis.

(k) "Department" means the Department of Education.

SEC. 263. Section 19402 of the Education Code is amended to read:

19402. As used in this chapter (Sections 19401 to 19486, inclusive):

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended,

(b) "Director" means the Director of Education,

(c) "Project" means the purposes for which a school district has applied for an apportionment under this chapter (Sections 19401 to 19486, inclusive),

(d) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or community college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph,

(e) "Apportionment" means an apportionment made under this chapter (Sections 19401 to 19486, inclusive) unless the context otherwise requires.

SEC. 264. Section 19420 of the Education Code is amended to read:

19420. No apportionment shall be made for new construction which when added to the area of adequate school construction existing in the applicant school district at the time of application, will provide a total area of school building construction per pupil of the estimated enrollment in excess of that computed under the following schedule:

Type of school	Enrollment	Square feet per pupil
Elementary school comprising kindergarten and grades 1 to 6, inclusive	300 or more	55
Elementary school comprising grades 7 and 8	750 or more	75
Junior high school comprising grades 7 to 9, inclusive	750 or more	75
Junior high school comprising grades 7 to 10, inclusive	750 or more	75
High school comprising grades 7 to 12, inclusive	750 or more	80
High school comprising grades 9 to 12, inclusive	750 or more	80
High school comprising grades 10 to 12, inclusive	750 or more	80

Type of school	Enrollment	Square feet per pupil
Community college comprising grades 13 and 14-----	750 or more	80
Community college comprising grades 11 to 14, inclusive-----	750 or more	80

The maximum total building areas per pupil allowed to applicants having schools with smaller estimated enrollments than shown in the above schedule shall be determined by the Department of Education, and shall be building areas to provide comparable facilities to those enumerated above, and shall be the least building area required to house adequately the estimated enrollment and the normal instructional and other services.

No estimate of enrollment made by an applicant for the purpose of justifying an apportionment shall be made for a longer time than the second fiscal year beyond the fiscal year in which an application is made, and in no case shall be given effect unless approved by the Department of Education.

SEC. 265. Section 19553 of the Education Code is amended to read:

19553. As used in this chapter:

(a) "Board" means the State Allocation Board, created by Section 7 of the Construction and Employment Act as amended.

(b) "Director" means the Director of Education.

(c) Notwithstanding any other provision of law, the term "project" shall be deemed to include any or all of the purposes for which a school district has applied for apportionments under this chapter, pursuant to such regulations as the State Allocation Board may adopt.

(d) "Grade level maintained by a district" means (1) the kindergarten, if any, and grades 1 to 6, or grades 1 to 8, inclusive, maintained by an elementary school district or a unified school district; or (2) grades 7 to 12, grades 9 to 12, inclusive, or grades 7 to 10, inclusive, maintained by a high school district or unified school district; and (3) grades 13 and 14 maintained by a high school district, unified school district, or community college district, but not more than one grade level shall be claimed by any district under any one of the subdivisions of this paragraph.

(e) "Apportionment" means an apportionment made under this chapter unless the context otherwise requires. The term "apportionment" in Sections 19620, 19626, 19628, 19629, 19631, 19632, and any other section in this chapter where the context justifies, shall be deemed to include funds of a school district required by the board to be contributed toward the purposes thereof. It is hereby declared that this construction is not intended as a change in the present law but rather as a declaration of existing law.

SEC. 270. The heading of Chapter 19 (commencing with Section 20050) of Division 14 of the Education Code is amended to read:

CHAPTER 19. COMMUNITY COLLEGE CONSTRUCTION
ACT OF 1967

SEC. 271. Section 20050 of the Education Code is amended to read:

20050. This chapter may be cited as the Community College Construction Act of 1967.

SEC. 272. Section 20051 of the Education Code is amended to read:

20051. As used in this chapter, the term "community college" shall mean grades 13 and 14 of a community college; and the term "community college district" shall mean any district authorized by law to maintain a community college.

SEC. 273. Section 20052 of the Education Code is amended to read:

20052. As used in this chapter, the term "project" means the purpose for which a community college district has applied for assistance under this chapter for one or more institutions under its authority or for districtwide facilities. A project may include the acquisition and improvement of community college sites, the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, laboratory, library, related facilities necessary for the instruction of students or for administration of the educational program, maintenance or utility facilities essential to the operation of the foregoing facilities, and the initial acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of site for student or staff parking, or single-purpose auditoriums.

SEC. 274. Section 20053 of the Education Code is amended to read:

20053. As used in this chapter, the term "weekly student contact hours" means the product of the number of students and the scheduled class periods in which they are enrolled, in graded community college classes in grades 13 and 14 convened prior to 4:30 o'clock p.m. during a census week. A class period is not less than 50 minutes and not more than 60 minutes.

SEC. 275. Section 20055 of the Education Code is amended to read:

20055. Any action of the Department of Education in administering this chapter may be appealed to the State Board of Education by the governing board of an affected community college district. The appeal shall be made through the executive officer of the State Board of Education and shall be placed on the agenda of the board in accordance with the general agenda

practices of the board. The decision of the board on such appeals shall be final.

SEC. 276. Section 20056 of the Education Code is amended to read:

20056. Funds appropriated for a project of a community college district for purposes of this chapter shall be allocated and disbursed upon order of the Department of Education, and by warrants of the State Controller issued pursuant thereto.

SEC. 277. Section 20057 of the Education Code is amended to read:

20057. In the event an existing community college district is included in a newly formed community college district, any unused funds appropriated or authorized to be appropriated for a finally approved project of the included district pursuant to this chapter shall be transferred to the newly formed or including community college district on the date that such district is effective for all purposes, or prior to such effective date where the governing boards of the districts agree to such earlier transfer.

SEC. 278. Section 20058 of the Education Code is amended to read:

20058. Upon completion of a project the governing board of the community college district shall submit to the Department of Education a final report on all expenditures in connection with the project and the sources of the funds expended.

SEC. 279. Section 20065 of the Education Code is amended to read:

20065. On or before November 1, 1967, the governing board of each community college district shall prepare and submit to the State Department of Education a plan for capital construction for community college purposes of the district for the 10-year period commencing with that date. The plan shall be subject to continuing review by the governing board and each year shall be extended one year, and there shall be submitted to the Department of Education, on or before the first day of September in each succeeding year, a report outlining the required modifications or changes, if any, in the plan.

SEC. 280. Section 20066 of the Education Code is amended to read:

20066. The plan for capital construction shall set out the estimated capital construction needs of the district with reference to elements including at least all of the following:

(a) The plans of the district concerning its future academic programs, and the effect on estimated construction needs which may arise because of particular courses of instruction or subject matter areas to be emphasized.

(b) The enrollment projections for each district formulated by the Department of Finance, expressed in terms of weekly student contact hours. The enrollment projections for each individual college within a district shall be made cooperatively

by the Department of Finance and the community college district.

(c) The current enrollment capacity of the district expressed in terms of weekly student contact hours and based upon the space and utilization standards for community college classrooms and laboratories adopted by the State Board of Education.

(d) District office, library and supporting facility capacities as derived from the physical plant standards for office, library and supporting facilities adopted by the State Board of Education.

(e) An annual inventory of all facilities of the district using standard definitions, forms, and instructions adopted by the State Board of Education.

SEC. 281. Section 20067 of the Education Code is amended to read:

20067. The Department of Education shall, on or before March 1, 1968, review, and evaluate the plan for capital construction submitted by the governing board of each community college district in terms of the elements of the capital construction program specified in Section 20066, and shall, on the basis of such review and evaluation, make such revision and changes therein as are appropriate, and approve the same. A similar review and evaluation of continuing 10-year plans for capital construction submitted by the governing board of each district maintaining a community college shall be made on or before each succeeding first day of December. The department shall, promptly after such approval, notify the governing board of each community college district of the approved form and content of the district's plan for capital construction.

SEC. 282. Section 20075 of the Education Code is amended to read:

20075. Any community college district may submit to the Department of Education for review and approval a proposed project. The proposed project shall be an element of the district's plan for capital construction. It shall be in such form and contain such detail, pursuant to rules and regulations of the State Board of Education, as will permit its evaluation and approval with reference to the elements of the capital construction program specified in Section 20066.

SEC. 283. Section 20076 of the Education Code is amended to read:

20076. The Department of Education shall review and evaluate each proposed project with reference to the elements of the capital construction program specified in Section 20066, and if it approves the same, shall transmit the approved proposed project to the Department of Finance not later than April 1, 1968, and April 1st of each year thereafter. A proposed project not approved shall be returned to the governing board of the community college district with recommendations concerning changes deemed necessary by the department.

SEC. 284. Section 20077 of the Education Code is amended to read:

20077. The Department of Finance shall review, evaluate, and approve proposed project submitted to it by the Department of Education. The review and evaluation shall be directed particularly to ascertaining whether the proposed project is of appropriate size, is appropriately timed and is justified in terms of the elements of the capital construction program specified in Section 20066. Any proposed project which is not approved shall be returned to the governing board of the community college district with recommendations deemed necessary by the department.

SEC. 285. Section 20078 of the Education Code is amended to read:

20078. A proposed project submitted by the governing board of a community college district to the Department of Education pursuant to Section 20075 prior to the first day of January, 1968, and of each year thereafter, shall be finally acted upon by the department pursuant to Section 20076 on or before the next succeeding first day of April, 1968, and each year thereafter. A proposed project submitted to the Department of Finance pursuant to Section 20076, shall be finally acted upon by the department pursuant to Section 20077 on or before the first day of July, 1968, and each year thereafter.

SEC. 286. Section 20079 of the Education Code is amended to read:

20079. Upon securing approval of a proposed project pursuant to Sections 20076 and 20077, the governing board of a community college may submit to the Department of Education for approval preliminary plans for the project. In order that a project shall be eligible for inclusion in the budget and the Budget Bill submitted to the Legislature by the Governor at each regular session of the Legislature, the preliminary plans for the project shall be submitted by the governing board of the district to the Department of Education prior to the first day of October, 1968, and each year thereafter, preceding the commencement of such regular session.

Preliminary plans for a project shall include detailed plans, specifications, and drawings, and all other data and information necessary to determine detailed estimates of cost.

SEC. 287. Section 20080 of the Education Code is amended to read:

20080. The Department of Education shall review and evaluate preliminary plans for a project and shall either finally approve or disapprove the same on or before the 15th day of November, 1968, and each year thereafter, following the date of their submission by the governing board of the district. Following the review and evaluation, approved preliminary plans for a project shall be transmitted to the Department of Finance not later than the 15th day of November, 1968, and the 15th day of November of each succeeding year thereafter.

Preliminary plans not receiving approval may be returned to the governing board of the community college submitting them.

For purposes of this section, the Department of Education shall have the authority to confer with and advise the governing board of a community college district or the representatives of such board and to effect modifications and alterations in preliminary plans for a project.

SEC. 288. Section 20081 of the Education Code is amended to read:

20081. The review and evaluation of preliminary plans for a project by the Department of Education shall include the following elements:

(a) An architectural analysis to determine costs of the various phases of the project, with particular attention to be directed to the type of construction, unit costs, and the efficiency of particular buildings and facilities in terms of effective utilization of area.

(b) Determining the amount of federal funds available for the project, and taking appropriate measures to ensure that the project will qualify for the maximum amounts of federal funds practicable under the circumstances.

"Federal funds" means any construction and equipment moneys provided by the federal government to a community college district for the project or any part of the project, which are or will be available to the district for the project.

(c) Determining the total cost of the project, reducing the same by the amount of federal funds available therefor, and determining the respective shares of the remainder thereof to be borne by the state and by the district. The determination of the respective shares of the project to be borne by the state and the district shall be made on the basis of the relative district ability. If the relative district ability is one (1), the state and district shall share the cost equally; if the relative district ability is less than one (1) the state shall bear more of the cost than the district; and if the relative district ability is greater than one (1), the state shall bear less of the cost than the district.

"Relative district ability" is the quotient obtained by dividing (1) the assessed valuation of the district for the academic year in which an application for a project is submitted to the Department of Education, divided by the annual average weekly student contact hours in the district for the same academic year, by (2) the total of assessed valuation for all community college districts in the state for the same academic year, divided by the total annual average weekly student contact hours in all community college districts of the state for the same academic year.

(d) Determining the total of funds immediately required for the first phase of the project to be provided by the state by appropriation, and the funds immediately required to be provided by the district.

SEC. 289. Section 20081.1 of the Education Code is amended to read:

20081.1. Notwithstanding Section 20081, the relative district ability of a community college district formed after June 30, 1964, from territory other than that which included a unified or high school district which maintained a community college, or a community college district, shall be computed according to one of the following: (1) for a district which became effective for all purposes between June 30, 1964, and June 30, 1967, by dividing the 1968-1969 assessed valuation of the district by the 1974-1975 projected resident weekly student contact hours of the district, or (2) for a district which became effective for all purposes between July 1, 1967, inclusive, and June 30, 1969, the lesser dividend of the 1968-1969 assessed valuation of the district divided by the 1975-1976 projected resident weekly student contact hours of the district, or the projected resident weekly student contact hours of the district five years from the semester or quarter during which day classes are first offered, or (3) for a district which becomes effective for all purposes after June 30, 1969, by dividing the assessed valuation of the district for the fiscal year prior to the year the district becomes effective for all purposes by the projected resident weekly student contact hours of the district five years from the semester or quarter during which day classes are first offered.

Relative district ability shall be computed pursuant to Section 20081 for fiscal year 1975-1976 and each year thereafter for a district which became effective for all purposes between June 30, 1964, and June 30, 1967, and for the sixth fiscal year after day classes are first offered and each year thereafter for a district which became effective for all purposes on July 1, 1967, inclusive and thereafter.

The projected resident weekly student contact hours for purposes of this section shall be determined by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges and the community college district affected.

Expenditures made by a district during the 1969-1970 fiscal year for projects approved or approvable pursuant to Chapter 19 (commencing with Section 20050) of Division 14 which exceeds that required for local expenditure for such projects by the matching ratio established by provisions of this section shall be allowed as local matching funds for projects approved for the fiscal years 1970-1971 to 1975-1976, inclusive.

SEC. 290. Section 20082 of the Education Code is amended to read:

20082. The Department of Finance shall review preliminary plans for a project approved and submitted to it by the Department of Education, and the estimated state and district shares in the funding thereof determined by the Department of Education. If the Department of Finance approves the preliminary plans, the state's share of the funding thereof

for the first fiscal year shall be included in the budget and the Budget Bill submitted to the Legislature at the next ensuing regular session of the Legislature, so that such state funds as may be appropriated therefor by the Legislature shall be available to the community college district as soon as practicable after the commencement of the next ensuing fiscal year.

SEC. 291. Section 20083 of the Education Code is amended to read:

20083. Portions of the state's share of any project not appropriated to the community college district pursuant to Section 20082, may be included in the budget and the Budget Bill submitted by the Governor for either or both of the next two succeeding fiscal years, as determined by the Department of Finance.

SEC. 291.5. The heading of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 of the Education Code is amended to read:

Article 3. Community College Tuition Fund

SEC. 292. Section 20201 of the Education Code is amended to read:

20201. Not later than August 8th of each year, the superintendent of schools of each county in which there is not a county community college shall certify the following items to the board of supervisors and to the county auditor of the county in accordance with the rules and regulations of the Superintendent of Public Instruction, which he is hereby authorized to adopt:

(a) The total current expense of education, exclusive of the expense for transportation of students, during the next preceding fiscal year of all nondistrict resident community college students, as defined in Sections 25505 and 25505.1, less state basic aid and federal apportionments received during the next preceding fiscal year for such community college students.

(b) The actual expense of transportation of such students not reimbursed by the state

(c) An amount equal to three hundred dollars (\$300) per unit of average daily attendance of such students during the preceding fiscal year for the use of buildings and equipment.

(d) The estimated amount needed as specified in subdivisions (a), (b), and (c) of this section for the current year.

The Superintendent of Public Instruction shall define, for the purposes of this section, the term "current total expense of education" and the term "actual expense of transportation."

If during any fiscal year the county superintendent of schools determines that an amount of at least one hundred dollars (\$100) more or an amount at least one hundred dollars (\$100) less than was required under either subsection (a), (b), or (c) of this section was certified to the board of super-

visors and the county auditor during a prior fiscal year, such amount shall, not later than the third succeeding fiscal year, be deducted from or added to the amount otherwise certified for subdivisions (a), (b), or (c) for the current fiscal year, as appropriate.

SEC. 293. Section 20201.1 of the Education Code is amended to read:

20201.1. The governing board of the district maintaining the community college shall forward the data supporting the certification, required of the county superintendent of schools in Section 20201, to the county superintendent of schools of the county wherein the district is located not later than July 15th of each year. The county superintendent of schools of the county wherein the district is located shall certify such data to the county superintendent of the county wherein the pupil resides not later than July 25th of each year.

SEC. 294. Section 20202 of the Education Code is amended to read:

20202. The board of supervisors with whom the certificate is filed shall at the time of making the tax levy for that year for county purposes, levy a special tax upon all taxable property in the county not situated in any school district maintaining a community college, sufficient in amount to defray all amounts specified in subdivisions (a), (b), and (c) of Section 20201.

SEC. 295. Section 20204 of the Education Code is amended to read:

20204. The tax when collected shall be paid into the county treasury and placed in the community college tuition fund which fund is continued in existence.

SEC. 296. Section 20205 of the Education Code is amended to read:

20205. The auditor shall notify the superintendent of schools of the amount in the funds when allocated, but in no case, later than the first Monday in February of each year for the first installment due on November 1, and not later than the first Monday in June of each year for the second installment due on February 1. The superintendent of schools shall thereupon apportion the funds to the several school districts maintaining community colleges, in his county or in other counties, in proportion to the amounts specified for subdivisions (a), (b), and (c) of Section 20201 for each of the districts; except that any apportionment otherwise allocable to a school district no longer maintaining a community college by virtue of the inclusion of that district in a newly formed or reorganized district maintaining a community college and established so as to be effective for all purposes pursuant to Section 1601 on or after July 1, 1961, shall be made to the new or reorganized district. The superintendent of schools shall certify the apportionment to the auditor.

SEC. 297. Section 20205.1 of the Education Code is amended to read:

20205.1. For purposes of nonresident county community college tuition, a community college district formed to comprise a single unified school district shall be considered as a community college district separate from the unified school district.

SEC. 298. Section 20205.2 of the Education Code is amended to read:

20205.2. For purposes of nonresident community college student tuition, each unified school district which maintains one or more community colleges shall be considered a community college district.

SEC. 299. Section 20206 of the Education Code is amended to read:

20206. The amount apportioned to each school district under this article (commencing at Section 20201) shall be paid into the treasury of the county whose superintendent of schools has jurisdiction over the district to the credit of the following funds of the district:

(a) An amount equal to the amounts specified in subdivisions (a) and (b) of Section 20201 shall be credited to the general fund of the district for community college purposes.

(b) Upon authorization by the governing board of the district, (1) all of the amount specified in subdivision (c) of Section 20201 may be credited for community college purposes to either the interest and sinking fund or the special reserve fund of the district; or (2) a portion of the amount may be credited to each of such funds. If no authorization is given by the governing board for the crediting of moneys to either fund, the amount shall be credited to the special reserve fund for community college purposes.

SEC. 300. Section 20207 of the Education Code is amended to read:

20207. The superintendent of schools of a county having community college pupils attending community college in another county shall draw his order on the county auditor in favor of the superintendent of schools of the county in which the students attend community college for any money belonging to any district outside of his county as provided in this article (commencing at Section 20201).

SEC. 301. Section 20211 of the Education Code is amended to read:

20211. The special tax required by Section 20202 to be levied shall not be levied upon taxable property in any territory included in a newly formed community college district, during the first fiscal year for which the district is effective for all purposes, or in a unified district during the first fiscal year in which a community college is operated by the district or in any territory annexed to a community college district, during the first fiscal year for which the annexation is effective for all purposes, if the rate of community college district tax levied upon taxable property in such territory during such

year for all community college purposes exclusive of bond interest and redemption, equals or exceeds the rate of tax which would be levied on taxable property in such territory under Section 20202 if this section were not in existence. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the amount which would be raised if the tax prescribed by Section 20202 were levied in such territory during such year. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall, on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund, and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

If the rate of the community college district tax levied upon taxable property in such territory during such year for all community college purposes, exclusive of bond interest and redemption, is less than the rate of tax which would be levied on taxable property in such territory in such year under Section 20202 if this section were not in existence, the board of supervisors at the time of levying the tax prescribed by Section 20202, shall levy in such territory, in lieu of the special tax prescribed by Section 20202, a special tax at a rate equal to the difference between the rate of tax levied under Section 20202 and the rate of district tax levied in the territory for all community college purposes, exclusive of bond interest and redemption. When collected the tax shall be paid into the county treasury and placed in the community college tuition fund. The county auditor shall, on or before September 25th of such year, determine and report to the county superintendent of schools the difference between the amount which would have been raised in such territory in such year if a special tax had been levied in such territory pursuant to Section 20202, and the amount which actually was or will be raised in such year from the levy of the special tax required by this paragraph. The county superintendent of schools shall forthwith report the amount to the Superintendent of Public Instruction, who shall forthwith certify such amount to the State Controller. The State Controller shall on or before November 25th of such year, draw his warrant upon the General Fund, in the amount certified, payable to the county treasurer from the money appropriated by this section for such year. The county treasurer shall deposit the amount in the community college tuition fund and the amount shall be apportioned under this article (commencing at Section 20201) in the same manner as if it were the proceeds of the tax levied under Section 20202.

There is hereby appropriated from the General Fund each year, commencing with the 1959-1960 fiscal year, to the Superintendent of Public Instruction, the total of the amounts reported to him by each county superintendent of schools pursuant to this section, to be expended pursuant to this section.

SEC. 302. Section 20211.1 of the Education Code is amended to read:

20211.1. The board of supervisors of any county shall have the power to levy a special tax upon all taxable property in the county not situated in a community college district sufficient in amount to pay a judgment by a court of competent jurisdiction arising from a claim made against any county by the State of California or any department or agency thereof arising from an excessive apportionment made to the county pursuant to Section 20211 during the 1961-62 fiscal year.

SEC. 303. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars (\$100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district, eighty cents (\$0.80) for elementary school purposes, or ninety cents (\$0.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district whose current expenses of education for the 1963-1964 or 1964-1965 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents (\$1.25) for elementary school purposes, or one dollar and thirty-five cents (\$1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, seventy-five cents (\$0.75) for high school purposes, and ten cents (\$0.10) for adult education purposes.

(d) In any separate high school district whose current expenses of education for the high school purposes for the 1963-64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents (\$0.85) for high school purposes and ten cents (\$0.10) for adult education purposes.

(e) In any separate community college district, thirty-five cents (\$0.35) for community college purposes, and ten cents (\$0.10) for adult education purposes.

(f) In any unified school district one dollar and fifty-five cents (\$1.55) for combined elementary school and high school purposes; or one dollar and ninety cents (\$1.90) for combined elementary school, high school, and community college purposes; or one dollar and sixty-five cents (\$1.65) for combined

kindergarten, elementary school, and high school purposes; or two dollars (\$2) for combined kindergarten, elementary school, high school, and community college purposes; or one dollar and sixty-five cents (\$1.65) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes; or two dollars (\$2) for combined kindergarten, elementary school, high school, and community college purposes, and ten cents (\$0.10) for adult education purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963-64 fiscal year were less than six hundred dollars (\$600), two dollars and ten cents (\$2.10) for combined elementary school and high school purposes; or two dollars and forty-five cents (\$2.45) for combined elementary school, high school, and community college purposes; two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and fifty-five cents (\$2.55) for combined kindergarten, elementary school, high school, and community college purposes; or two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes; or two dollars and fifty-five cents (\$2.55) for combined kindergarten, elementary school, high school, and community college purposes, and ten cents (\$0.10) for adult education purposes.

(h) As used in this section "adult education purposes" means all current expenses of the district for which district taxes may be levied, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for adult classes as provided for in Chapter 5.5 (commencing with Section 5701), Division 6 of this code. "Adult education purposes" includes classes for adults authorized under Articles 4, 5 and 6, inclusive of Chapter 5.5 (commencing with Section 5701) of Division 6 of this code.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters. If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so

amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

SEC. 304. Section 20755 of the Education Code is amended to read:

20755. Notwithstanding the provisions of this article or any other provisions of law to the contrary, the governing board of a district maintaining a community college may each year have levied and collected school district taxes, for that year, without limitation as to rate, for purposes of providing funds for the annual district share of any project approved pursuant to Chapter 19 (commencing with Section 20050) of Division 14, including any funds required to obtain federal funds for such project or any part of the project.

SEC. 305. Section 20801 of the Education Code is amended to read:

20801. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district required or authorized pursuant to Sections 13561 and 13561.1, Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed five cents (\$0.05) per each one hundred dollars (\$100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a unified school district the increase provided by this section shall not exceed ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of property within the district if the district maintains one or more elementary schools and high schools, and shall not exceed fifteen cents (\$0.15) per each one hundred dollars (\$100) if the district maintains, in addition, one or more community colleges, and said increase shall be in addition to any other school district tax authorized by law to be levied.

In a high school district which maintains a community college, the increase provided for by this section shall not exceed ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of property within the district, and said increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year required or authorized by

Sections 13561 and 13561.1, Sections 16551 to 16566, inclusive, and Sections 16651 to 16664, inclusive, of this code.

SEC. 306. Section 20804.1 of the Education Code is amended to read:

20804.1. When either a separate high school district, the boundaries of which are not coterminous with a community college district, or a unified school district, operates a community college and has, pursuant to the provisions of Section 20803, increased the maximum tax rate otherwise applicable to the district, and thereafter, while such increased tax rate continues in effect, ceases to operate the community college, the maximum tax rate as so increased shall, beginning with the school year in which the district ceases to operate the community college, be reduced by thirty-five cents (\$0.35) on each one hundred dollars (\$100) of assessed valuation.

SEC. 307. Section 20804.2 of the Education Code is amended to read:

20804.2. Whenever a high school district and a community college district which are coterminous have, pursuant to provisions of Section 20803, increased the combined tax rate otherwise applicable to the districts, and thereafter, the districts cease to be coterminous, the maximum tax rate of the high school district shall be the previously authorized combined tax rate less thirty-five cents (\$0.35) on each one hundred dollars (\$100) of assessed valuation.

SEC. 308. Section 20910 of the Education Code is amended to read:

20910. For purposes of this chapter:

(a) Each elementary school district shall be deemed to comprise the kindergartens and grades 1 to 8, inclusive, maintained by the district, and the seventh and eighth grades of the district not maintained by the district because of the attendance upon a junior high school of pupils who would otherwise attend upon seventh and eighth grades maintained by the district.

(b) Each high school district shall be deemed to comprise all of grades 9 to 12, inclusive, maintained within the high school district whether maintained by a high school district or by a community college district.

(c) Each high school district maintaining grades 13 and 14 shall be deemed to be a community college district comprising grades 13 and 14.

(d) Each unified school district shall be deemed to be an elementary school district comprising the kindergartens and grades 1 to 8, inclusive, maintained by the district and the seventh and eighth grades of the district not maintained by the district in elementary schools because of the attendance upon a junior high school of pupils who would otherwise attend the seventh and eighth grades maintained in elementary schools by the district, and a high school district comprising all of grades 9 to 12, inclusive, and a community college district comprising the 13th and 14th grades maintained by the district.

(e) In determining to which particular districts apportionments shall be made, the rules prescribed by Sections 17608, 17609, and 17610 for purposes of apportionments from the State School Fund shall be utilized.

SEC. 309. Section 21116 of the Education Code is amended to read:

21116. With the approval of the Superintendent of Public Instruction, the governing board of a community college district, a unified school district, or district with over 10,000 average daily attendance may cause to be drawn all warrants on the county treasurer against all funds, except debt service, of the district in the county treasury in the payment of the expenses of the district. The warrants shall be issued by a person designated as the district auditor or district disbursing officer for the school district on the county treasurer in favor of the persons entitled thereto in payment of all claims chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district auditor shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by law. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction.

Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the district.

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those districts that draw their own warrants for the cost of all fiscal services.

The person authorized by the governing board of the district to issue warrants pursuant to this section shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of his duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the

obligation of any contract in the bond of such officer in effect on the effective date of this section.

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction, upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount of the warrant, the name of the payee, and the fund on which drawn.

The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor having jurisdiction.

Each community college district, unified school district or district with over 10,000 average daily attendance which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the Superintendent of Public Instruction, a community college district, a unified school district, or district with over 10,000 average daily attendance shall file a written application with the county superintendent of schools of jurisdiction on forms which the Superintendent of Public Instruction shall prescribe. Upon receipt of an application from the district, the county superintendent of schools shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant. The certified public accountant or public accountant shall report his findings and recommendations to the county superintendent, county auditor, and to the applicant district. The county superintendent shall forward the district's application, together with his recommendations and the recommendations of the county auditor and the report of survey, to the Superintendent of Public Instruction who shall approve or disapprove the application. The Superintendent of Public Instruction shall approve the application only if he finds the accounting controls of the district are adequate. If the Superintendent of Public Instruction determines that such controls are inadequate, he shall disapprove the application. The county superintendent of schools shall be reimbursed from the district funds for all costs incident to the accounting controls survey made pursuant to the district's application.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of a fiscal year, provided that the approval had been made prior to the preceding first day in January. If disapproved, the Superintendent of Public In-

struction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he may recommend to the Superintendent of Public Instruction that the approval be revoked effective at the first of the fiscal year next following.

SEC. 310. Section 21117 of the Education Code is amended to read:

21117. The provisions of Article 3 (commencing with Section 29850) of Chapter 5 of Division 3 of Title 3 of the Government Code shall be applicable to any community college district, unified school district, or district with over 10,000 average daily attendance authorized to issue warrants pursuant to Section 21116; except that whenever any reference is made in said Article 3 to (1) the county auditor, or (2) the general fund of the county, such reference shall be deemed, for purposes of this section, to be to (1) the person authorized to issue warrants pursuant to Section 21116, and (2) the general fund of the school district, respectively.

SEC. 311. Section 21301 of the Education Code is amended to read:

21301. The governing board of any school district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The amount of the fund shall not be more than 2 percent of the district's estimated expenditures for the current fiscal year and shall not in any event exceed ten thousand dollars (\$10,000) for any elementary school, high school, or community college district; twenty thousand dollars (\$20,000) for any unified district of elementary and high school levels, and thirty thousand dollars (\$30,000) for any unified district of elementary, high school, and community college levels. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

SEC. 312. Section 21351 of the Education Code is amended to read:

21351. The governing board of any elementary school district, high school district, or community college district may, if the school district maintains a stock of merchandise for school use, establish a revolving fund for budget control and stock accounting purposes, by adopting a resolution setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county super-

intendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school district and transmit one copy to the county auditor.

The governing boards of two or more school districts of any type may, if the school districts maintain a stock of merchandise for school use, establish a common revolving fund for budget control and stock accounting purposes, by adopting a resolution of each district setting forth the necessity for the revolving fund, the purpose for which it shall be used and the amount thereof. Three certified copies of the resolutions shall be submitted to the county superintendent of schools, who, if he approves the establishment of the fund, shall indorse his consent upon the resolution, return one copy to the governing board of the school districts and transmit one copy to the county auditor.

SEC. 313. Section 21703 of the Education Code is amended to read:

21703. Any unified school district maintaining a community college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a community college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, except as provided in subdivision (b) of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and community college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

(a) For the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) with respect to applications for apportionments and apportionments filed or made prior to the effective date of the amendment to Section 21802 made at the 1961 Regular Session and to the repayment thereof, Sections 19401 to 19486, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a community college, a bonding capacity in the amount permitted by law for a community college district.

(b) Except as provided in subdivision (a) of this section, for the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) only, in computing the outstanding bonded indebtedness of a unified district maintaining

a community college, outstanding bonds shall be deemed to have been issued for either (1) community college purposes or (2) both elementary school and high school purposes, together as a single purpose, in the respective amounts that the proceeds of the sale of the outstanding bonds, excluding any premium or accrued interest received on such sale, were or have been allocated by the governing board of the unified district to each of the two purposes and no separate allocation shall be made as between elementary school purposes and high school purposes. For the purposes of such law in computing the outstanding bonded indebtedness of a unified district which does not maintain a community college, all of such indebtedness shall be deemed to have been issued for elementary and high school purposes which shall constitute a single purpose, without allocation between elementary schools and high schools.

(c) For purposes of computing the bonding capacity of a school district under the preceding subdivisions of this section, the taxable property of the district as shown by the last equalized assessment of the county shall be modified pursuant to Section 17262.

Sec. 314. Section 21707 of the Education Code is amended to read:

21707. Any high school district maintaining a community college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located.

For the purposes of Sections 19401 to 19486, inclusive, and Sections 19551 to 19689, inclusive, only, any high school district maintaining a community college, shall be considered to have a bonding capacity in the amount permitted by law for a high school district, and a bonding capacity in the amount permitted by law for a community college district. Any high school district maintaining a community college if otherwise eligible may receive an apportionment for high school purposes alone, for community college purposes alone, or for any combination of such purposes.

In computing the outstanding bonded indebtedness of any high school district maintaining a community college for all purposes of this section, any outstanding bonds shall be deemed to have been issued for high school purposes and community college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such high school district maintaining a community college to each of said purposes respectively.

For purposes of computing the bonding capacity of a school district under the preceding provisions of this section, the taxable property of the district as shown by the last equalized assessment of the county shall be modified pursuant to Section 17262.

SEC. 315. Section 22504.5 of the Education Code is amended to read:

22504.5. No teacher, official, employee, or governing board member of any public or private community college, college, or university shall permit access to any written records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

(a) Either parent or a guardian of such pupil.

(b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.

(c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.

(d) An officer or employee of the United States, the State of California, or a city, city and county, or county seeking information in the course of his duties.

(e) An officer or employee of a public or private guidance or welfare agency of which the pupil is a client.

Restrictions imposed by this section are not intended to interfere with the preparation and distribution of community college, college and university student directories or with the furnishing of lists of names, addresses, and telephone numbers of community college, college and university students to proprietors of off-campus housing. Such restrictions are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information.

Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

SEC. 316. Section 22505 of the Education Code is amended to read:

22505. The chief administrative officer of a community college, state college, or state university, after a prompt hearing of the facts, shall take appropriate disciplinary action against any student, member of the faculty, member of the support staff, or member of the administration of the community college, state college, or state university who has been

convicted of a crime arising out of a campus disturbance or, after a hearing by a campus body, has been found to have willfully disrupted the orderly operation of the campus. Nothing in this section shall be construed to prohibit, where an immediate suspension is required in order to protect lives or property and to insure the maintenance of order, interim suspension pending a hearing; provided that a reasonable opportunity be afforded the suspended person for a hearing within 10 days. The disciplinary action may include, but need not be limited to, suspension, dismissal, or expulsion. The provisions of Sections 24308 to 24310, inclusive, shall be applicable to any state college employee dismissed pursuant to this section. The chief administrative officer of each such institution shall submit periodic reports as to the nature and disposition of cases acted upon pursuant to this section to his governing board.

SEC. 317. Section 22508 of the Education Code is amended to read:

22508. (a) As used in this section and Sections 22505 and 22509:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state college and includes any campus or facility owned, operated, or controlled by the Trustees of the California State Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "Chief administrative officer" means the president of a state college with respect to state college campuses, or Chancellor of the California State Colleges with respect to other property of the California State Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the president of a community college.

(5) "Civil disturbance" means any occurrence of human origin on the campus or environs of a state university or state college or community college which in the opinion of the chief administrative officer is beyond the capabilities of the college officials and campus police to effectively control and which unreasonably disrupts the orderly conduct of academic business or instruction.

(b) The chief administrative officer of any state university, state college, or community college may declare a "state of emergency" whenever he finds that any of the following conditions exists on or near the campus or other facility in such magnitude that is, or is likely to be, beyond the control of the

services, personnel, equipment, and facilities of the campus or other facility:

- (1) Extreme peril to the safety of persons or property.
- (2) Sabotage.
- (3) Fire.
- (4) Flood.
- (5) Epidemic.
- (6) Riot.
- (7) Earthquake.
- (8) Civil disturbance.

SEC. 318. Section 22509 of the Education Code is amended to read:

22509. (a) When a chief administrative officer of any state university or state college or community college, after declaring a state of emergency pursuant to Section 22508, requests the assistance of the police or sheriff's department of any city, county, or city and county, in the control of a civil disturbance on the campus or environs thereof, the state may, through the Department of Finance whenever money has been appropriated for the purpose and in accordance with any conditions in the appropriation, partially reimburse each police or sheriff's department for its costs in rendering such assistance. It is not the intent of this section to obligate the state to reimburse any police or sheriff's department for such costs. Reimbursement, if any, shall be at the rate of 50 percent of such costs, after one hundred thousand dollars (\$100,000) of such costs in total for all local agencies for control of a civil disturbance in any three-consecutive-month period have been sustained. Reimbursement, if any, shall be made within 30 days after receipt of any statement of such cost duly submitted in accordance with requirements of form as may be adopted by the Department of Finance.

(b) The Department of Finance shall determine the items to be allowed as costs and shall determine when all local agencies have sustained, in the aggregate, one hundred thousand dollars (\$100,000) of such costs in any three-consecutive-month period. Costs of assistance may include regular wages and overtime paid to peace officers assigned to render assistance during the course of a civil disturbance. Costs of assistance may also include costs of replacement of, or repair to, property of the department destroyed or damaged as a result of assistance given during a civil disturbance.

SEC. 319. Section 22512 of the Education Code is amended to read:

22512. For purposes of this chapter "public higher education" shall consist of (1) all public community colleges heretofore and hereafter established pursuant to law, (2) all state colleges heretofore and hereafter established pursuant to law, and (3) each campus, branch and function of the University of California heretofore and hereafter established by the Regents of the University of California.

SEC. 320. Section 22635 of the Education Code is amended to read:

22635. The Regents of the University of California, the Trustees of the California State Colleges, and the governing board of every community college or school district maintaining a community college, shall adopt or provide for the adoption of specific rules and regulations governing student behavior along with applicable penalties for violation of such rules and regulations. Every student at such institutions of higher education shall, at the time of registration for a semester or quarter, as the case may be, at such institutions, be provided with a copy of such rules and regulations together with a statement of the applicable penalties which may be incurred by violation thereof. The Regents of the University of California, the Trustees of the California State Colleges, and the governing board of every community college or school district maintaining a community college shall provide for the distribution of any revision of such rules and regulations to students enrolled in such institutions.

SEC. 321. The heading of Chapter 4 (commencing with Section 22650) of Division 16.5 of the Education Code is amended to read:

CHAPTER 4. COMMUNITY COLLEGES

SEC. 322. Section 22650 of the Education Code is amended to read:

22650. The public community colleges are secondary schools and shall continue to be a part of the public school system of this state. The State Board of Education shall prescribe minimum standards for the formation and operation of public community colleges and exercise general supervision over public community colleges.

SEC. 323. Section 22651 of the Education Code is amended to read:

22651. Public community colleges shall offer instruction through but not beyond the 14th grade level, which instruction may include, but shall not be limited to, programs in one or more of the following categories: (1) standard collegiate courses for transfer to higher institutions; (2) vocational and technical fields leading to employment; and (3) general or liberal arts courses. Studies in these fields may lead to the associate in arts or associate in science degree.

SEC. 324. Section 22700 of the Education Code is amended to read:

22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of three representatives each of the University of California, the California State Colleges, the public community colleges, the private colleges and universities in the state, and six representatives of the general public. The university shall be represented by the president and two regents appointed by the

regents. The California State Colleges shall be represented by the chancellor and two trustees appointed by the trustees. Public community colleges shall be represented by a member of the State Board of Education or its chief executive officer as the board may from time to time determine, and a member of a local public community college governing board and a public community college administrator. The community college governing board member shall be selected by the State Board of Education from a list or lists of five names submitted for its consideration by any association or associations of statewide coverage which represent community college governing boards. The public community college administrator shall be selected by the State Board of Education from a list of five names submitted for its consideration by the California Junior College Association. The private colleges and universities shall be represented by three persons, each of whom shall be affiliated with a private institution of higher education as a governing board member or as a staff member, in an academic or administrative capacity and shall be appointed by the Governor after consultation with an association or associations of such private institutions and subject to confirmation by the Senate. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The representatives appointed by the regents shall serve one-year terms.

(b) The representatives appointed by the trustees shall serve one-year terms.

(c) The member of the State Board of Education or its chief executive officer who represents the public community colleges shall serve until the first meeting of the board in the next succeeding calendar year following his appointment.

(d) Except as otherwise provided in this subdivision, the term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

The terms of such members in office on November 1, 1965, shall expire as follows:

(1) The term of the member who, as a member of a local public community college governing board, is representing the public community colleges, the term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1965.

(2) The term of one of the members representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1966.

(3) The term of the member who, as a public community college administrator, is representing the public community colleges and the term of one of the members representing the public shall expire on November 1, 1967.

(4) The term of the other member representing the private colleges and universities, and the term of one of the members representing the public shall expire on November 1, 1968.

(5) The terms of the other two members representing the public shall expire on November 1, 1969.

On or before November 1, 1965, the Governor shall designate the order in which the terms of his appointees expire pursuant to this subdivision.

(e) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: two alternates for the president and the two representatives of the regents; two alternates for the chancellor and the two representatives of the trustees; and two alternates for the chancellor and the two representatives of the Board of Governors of the California Community Colleges. Each alternate shall be a member of the appropriate appointing authority and shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

Commencing on February 1, 1968, the public community colleges shall, notwithstanding the preceding provisions of this section, be represented exclusively by two members of the Board of Governors of the California Community Colleges chosen annually by the board, and the chief executive officer of the California Community Colleges. The representatives of the Board of Governors of the California Community Colleges shall serve for one-year terms.

Sec. 325. Section 22757.5 of the Education Code is amended to read:

22757.5. The State Board of Education is vested with all necessary power and authority to perform all acts necessary to authorize governing boards of districts maintaining community colleges to receive the benefits and to expend the funds provided by any acts of Congress under which districts maintaining community colleges may be eligible to receive benefits, including, but not limited to, Title VII of the Housing Act of 1961 (Pub. Law 87-70), as amended, and any of the acts of Congress referred to in this chapter. The board is vested with all necessary power and authority to authorize districts maintaining community colleges to cooperate with the government of the United States, or any agency or agencies thereof, for the purpose of receiving the benefits and expending the funds provided by said acts of Congress, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the Coordinating Council for Higher Education adopted in accordance with any of said acts of Congress under

which the Coordinating Council for Higher Education is designated in this chapter as the state educational agency. Whenever necessary to secure the full benefits of said acts of Congress, the governing board may give such security as may be required and may comply with such conditions as may be imposed by the federal government. The funds received by the district under the provisions of said acts of Congress shall be deposited in the county treasury as provided for in Section 17152.

This section shall be applicable to only those acts of Congress which have been enacted prior to January 1, 1967.

SEC. 326. Section 23054 of the Education Code is amended to read:

23054. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the opening day of a semester during which he proposes to attend the university.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to first entering any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or community college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who does not receive and has not for a period of more than one year immediately preceding the opening day of a semester during which he proposes to attend the university received, directly or indirectly, any support or financial assistance from his father, if the minor lives with his mother, who is and has been for a period of more than one year immediately preceding the opening day of the semester actually present in the state with the intention of making her permanent home therein, is a resident student.

SEC. 327. Section 23756 of the Education Code is amended to read:

23756. "A resident student" means any person who has been a bona fide resident of the state for more than one year immediately preceding the residence determination date.

The residence of each student shall be determined in accordance with the rules for determining residence prescribed by Sections 243 and 244 of the Government Code. The residence of an unmarried minor who has a parent living cannot be changed by either his own act or that of his guardian, except that:

(a) Where immediately prior to enrolling in any California institution of higher learning the minor child has lived with and been in the continuous direct care and control of any person or persons other than a parent for a period of not less than two years, the residence of the minor child is the residence of the person, or persons having such care and control after the expiration of that two years. As used in this subdivision, "California institution of higher learning" means any public or private university, college, or community college in the state.

(b) Any person who qualifies for residence status under subdivision (a) of this section or under Sections 243 and 244 of the Government Code shall not lose such residence status by virtue of his marriage to a nonresident who lives in California nor shall such person be required to reestablish residency upon reaching his or her majority.

(c) Any minor child, a citizen of the United States, or any alien, who is a minor child, who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States, who for a period of more than one year immediately preceding the residence determination date has lived with his mother, who is living apart from his father, and has been for a period of more than one year immediately preceding the residence determination date present in the state with the intention of making her permanent home therein, is a resident student.

(d) Any person whose residence is derived from a parent and who loses California residence by reason of a change of residence by such parent, shall be considered a resident student for tuition purposes for a period of one year following such change of residence by his parent, provided that such parent was a bona fide resident of California for at least one year immediately preceding such change of residence from California.

(e) Any minor child who has lived continuously in the state for more than 10 years immediately preceding the residence determination date shall be deemed a "resident student" notwithstanding the place of abode or residence of either living parent or guardian of the minor child.

SEC. 328. The heading of Division 18.5 (commencing with Section 25410) of the Education Code is amended to read:

DIVISION 18.5. COMMUNITY COLLEGES

SEC. 329. Section 25410 of the Education Code is amended to read:

25410. In any community college district coterminous with a unified district, the governing board of the unified district shall, except as provided in this section or in Section 25444.5, constitute the community college board and after organizing as a community college board shall have the management and control of the community college in the district. If the district is divided into two or more unified districts, or if any territory is included within the boundaries of such community college district by annexation thereto or by change of boundaries thereof, which territory is not included within the unified district, such community college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the community college district shall call an election. The election shall be called and conducted in the manner provided by law for an election to choose the first governing board members of a newly formed community college district.

SEC. 330. Section 25411 of the Education Code is amended to read:

25411. The county committee on school district organization, upon petition of the governing board of any community college district, may provide for the establishment, rearrangement, or abolishment of trustee areas in any community college district or increase or decrease the number of members of the governing board, in the same manner as trustee areas may be provided for in other districts under Sections 1123 to 1125.6, inclusive.

When trustee areas are established or rearranged under this section, governing board members shall be elected for four-year terms, and shall be either five or seven in number. The number of trustee areas shall not be less than two nor more than seven.

Subject to provisions of this section, any resident and registered elector of the school district not disqualified by the Constitution or laws of the state is eligible to candidacy for, and appointment and election to, the governing board of a community college district in which trustee areas have been provided under this section.

When trustee areas are established or rearranged under this section, the petition to the county committee by the governing

board shall provide for election of trustees by one of the following methods:

(a) Election of an elector residing in and registered to vote in the trustee area he seeks to represent, by only the registered electors of the same trustee area;

(b) Election, of an elector residing in and registered to vote in the trustee area he seeks to represent, by the registered electors of the entire community college district.

SEC. 331. Section 25411.5 of the Education Code is amended to read:

25411.5. In every community college district in which trustee areas have not been established, there shall be a governing board of either five or seven members elected at large from the district to serve a term of four years. If trustee areas have been established in a community college district the governing board shall consist of a member or members from each trustee area.

SEC. 332. Section 25411.6 of the Education Code is amended to read:

25411.6. Notwithstanding any provision of law to the contrary, if the governing board of a community college district finds that the boundaries of trustee areas do not conform to the district's geography or population distribution due to annexation of territory to the district after the trustee boundaries were formed, the board may, in its discretion, order a special election seeking voter approval for rearrangement of such areas in the manner provided in this section.

Upon adoption of a resolution by a majority of the members, the board shall call and conduct at least one (1) public hearing on the proposed rearrangement of trustee area boundaries by publishing notice thereof in accordance with Section 6061 of the Government Code. The notice shall be published at least 10 days prior to each hearing to be held and shall state the time and place of the hearing and the general nature of the proposed boundary rearrangement.

At the conclusion of such public hearing or hearings, the board may adopt a resolution by majority vote of the members thereof ordering a special election on the proposed rearrangement of trustee areas within the district. The election shall be consolidated with the next scheduled primary or general statewide election and shall be called and conducted by the county superintendent of schools having jurisdiction in the manner otherwise prescribed for elections in Division 4 of this code.

The ballot shall contain the following words properly located thereon: "For the rearrangement of trustee areas in ----- District—Yes" and "For the rearrange-
(insert name)

ment of trustee areas in ----- District—No."
(insert name)

If the proposal for the rearrangement of trustee areas within the district pursuant to this section is approved by a majority of the electors voting at the election and it appears that one

or more trustee areas in the district will not be represented in the membership of the governing board or that one or more trustee areas will have more than its allotted number of representatives in the membership of the governing board, the county superintendent of schools having jurisdiction shall call and conduct an election to determine who shall represent such trustee area or areas at the next regular election for junior college trustees as otherwise provided by law. The term of office of a newly elected and qualified member shall expire on the date the term of the former member would have expired if the former member had remained in office. If the offices of two or more members become vacant due to the operation of this paragraph, the superintendent shall determine by lot which term of office of former members shall be assumed by which of the newly elected and qualified members.

SEC. 333. Section 25412 of the Education Code is amended to read:

25412. Upon the formation of a community college district the county superintendent of schools having jurisdiction shall call and set the date of an election for the purpose of electing the governing board of the district. Such call shall be issued not later than 30 days after the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

SEC. 334. Section 25412.6 of the Education Code is amended to read:

25412.6. Notwithstanding the provisions of Section 25412, the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for the formation of the community college district. The call for both elections shall be issued at the same time. The election shall be called, held and conducted as are elections for members of the governing boards of elementary school districts.

SEC. 335. Section 25413 of the Education Code is amended to read:

25413. At the initial meeting of the governing board of a newly formed community college district it shall elect one of its members as chairman, and shall designate a secretary.

The majority of members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, shall serve until June 30 of the second succeeding odd-numbered year. The terms of the other members shall expire on June 30 of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

SEC. 336. Section 25413.1 of the Education Code is amended to read:

25413.1. When a community college district, members of the governing board of which are also members of the governing board of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, serves a greater area than the city school district, the persons who serve as members on the governing board of the community college district shall not serve also as members of the city school district board. Those persons who serve as members of the governing boards of both the community college district and the city school district shall, on or before December 31, 1968, elect on which of the two boards they will continue to serve. Those persons who elect to serve as members of either the governing board of the community college district or the governing board of the city school district shall continue to serve also as members of the governing board from which they have elected to withdraw until their successors on such board are elected at the governing board election next following December 31, 1968, and have assumed office.

Prior to December 1, 1968, the governing board shall identify each position the wages or salary of which is paid in whole or in part from the funds of the community college district and shall so notify each incumbent. Each employee whose regular-position wages or salary is paid exclusively from the funds of either district as of June 30, 1969, shall be deemed on July 1, 1969, to be an employee of the district paying the wages or salary. Each classified employee whose regular-position wages or salary was upon written notification made after July 1, 1968, paid in part from community college district funds and in part from city school district funds, and each certificated employee paid 50 percent or more from the funds of the community college districts, shall make an irrevocable, written election on or before December 31, 1968, as to the district in which he will serve. Upon the effective date of the election, a classified employee in either district shall have the right, based upon his seniority in the position classification in which he is then serving, to transfer to a position in the same position classification in the other district and to displace a classified employee with lesser seniority in such class employed in the other district, under rules established by the personnel commission serving the city school district. Should such an employee fail to make such election he shall be deemed to have elected to serve the city school district. Such election shall become effective on July 1, 1969, unless the employee has prior to June 30, 1969, voluntarily accepted regular assignment to a regular position the wages or salary of which is paid on June 30, 1969, exclusively by one district, and he is the incumbent in such position on said date. After June 30, 1969, no such employee shall have tenure or classification as a permanent employee in other than the district in which he elects to serve.

If both the city school district and the community college district have adopted a merit system as provided in Article 5

(commencing with Section 13701) of Chapter 3, Division 10 of this code, and were served by a single personnel commission as provided in Section 13705, then a new personnel commission shall be appointed for the community college district effective January 1, 1969, or as soon thereafter as possible, under the procedures applicable to the original appointments to the personnel commission which has served both districts. Subsequent appointments shall be made in accordance with Section 13707.4. The new personnel commission shall be empowered to meet prior to July 1, 1969, for the purpose of appointing a personnel director, and may enter into a contract with the personnel commission which has served both districts for the necessary selection procedures. It may also take action on all other matters necessary for the orderly transition of responsibility between the two personnel commissions. The new personnel commission shall appoint a personnel director in the manner provided in Section 13717 within 90 days after the appointment of at least two of its members, but not before July 1, 1969. The personnel commission which had served both districts may continue to serve both districts pursuant to the terms of a contract which may be entered into by the personnel commissions of both school districts until such time as the newly appointed personnel commission determines that it can serve the community college district.

Except as otherwise provided in this section, the rights, benefits and burdens of regular classified employees of both the city school district and the community college district shall be fixed in accordance with the provisions of Sections 13584 and 13584.1. The personnel commission of the community college district shall initially adopt the rules of the personnel commission which had served both districts. The governing board of the community college district shall fix the compensation of classified employees in accordance with Section 13601.5. The community college district shall maintain for a period of two years after June 30, 1969, at least the same benefits of salary, vacation, hospital-medical insurance, paid illness leave, and other paid leaves provided for classified employees on June 30, 1969.

A classified employee who has probationary status in either district on June 30, 1969, shall remain in probationary status, with accumulated seniority credit, until he completes his probationary period. A classified employee who has permanent status on June 30, 1969, shall have the rights and privileges listed below on and after the separation of the community college and city school boards of education:

(a) Seniority for all purposes for all creditable service, as provided by the rules of the appropriate personnel commission, in either district.

(b) Until July 1, 1970, in case of layoff from one district the right of reemployment in the other district, including the exercise of bumping rights, if the employee has the least

seniority in his class in the employing district. Subject to the approval of the employing district, the privilege of being reinstated after layoff in either district in a parallel class for a period of 27 months commencing July 1, 1970.

(c) Subject to the approval of the employing district, the privilege of reinstatement after resignation or voluntary demotion, and the privilege of transfer or voluntary demotion in either district, with the approval of both districts, for a period of 39 months after July 1, 1969.

(d) The right to compete in promotional examinations in both districts through June 30, 1970, for classes for which he is qualified.

(e) The retention of all accrued vacation and illness leave benefits.

All classified eligibility lists which are in effect on June 30, 1969, shall continue to be in effect in both districts, for applicable classes, until they expire in accordance with Section 13738. Employees of both the city school district and the community college district who are on such lists on June 30, 1969, may be certified for and may accept appointments to positions in either district.

For the purposes of Section 13723, the community college district shall be deemed to be a school district which had already adopted the merit system prior to the amendment of Section 13723 in 1965.

It is the intent of the Legislature in enacting this act to continue the rights, benefits, and privileges of regular classified employees, insofar as practicable, without disruption which may be caused by the separation of the community college and city boards of education.

Any part or all of the land, buildings, fixtures, leases, and other real property which are jointly owned by the city school district and the community college district may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such real property. Such payments may be made in installments over a five-year period, commencing July 1, 1969. Not less than 20 percent of such proportionate interest of the community college district shall be paid in any one installment. Such property shall be valued at its insurable value as of May 1, 1969. In cases where the value of real property cannot be established by reference to insurable value the market value of the property shall be used for valuation purposes. In order to provide for such payments, and for cash payments authorized in this section for the purpose of purchasing equipment, supplies, fixtures, vehicles, and other personal property, the maximum school district tax for such city school district is hereby increased by such amount as will produce the amount of such payments made pursuant to this section, and the increase shall be in addition to any

other school district tax authorized by law to be levied. Such maximum school district tax increase may be levied commencing July 1, 1968, and shall remain in effect until all payments to the community college district for its interest in such real and personal property have been made.

All equipment and supplies, including fixtures, and other personal property located in any school shall remain with and become the property of the district operating such school. Any part or all of the equipment, supplies, fixtures, and other personal property, located in a facility owned jointly by both such districts, and which property has been used jointly by both such districts may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

Equipment, supplies, and other stores possessed jointly by both districts as of July 1, 1969, shall be distributed in kind or in cash value in accordance with the costs as reflected in the records of the community college district and the city school district.

Vehicles jointly owned or jointly used by the city school district and by the community college district, including those used for grading, landscaping, building or ground maintenance, cleaning, and for materials-handling purposes, regardless of location, may, at the option of the city school district, become the property of the city school district, subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the community college district, to the community college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

One district may contract with the other district for the performance of services under such terms and conditions as may be agreed upon by the two districts.

Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar such reference, all provisions of such section shall apply with equal force to both such city school district and community college district.

SEC. 337. Section 25413.2 of the Education Code is amended to read:

25413.2 It is the intent and purpose of the Legislature, by this section, to make more particular provision concerning the governing board membership status of the individuals who, pursuant to Section 25413.1, have on or before December 31, 1968, made the election to serve either as members of the

city board of education or as members of the governing board of the community college district.

If an individual whose term is to expire on June 30, 1971, elects to serve as a member of the governing board of the community college district only, such act shall be deemed to have created a vacancy in his membership on the city board of education, but such individual shall, nevertheless, continue to serve as a member of the city board of education until June 30, 1969, as though appointed to fill the vacancy until that time. Subject to such limitation, the vacancy shall be filled as provided by law, or by or under authority of the city charter, whichever is controlling. The individual shall, after July 1, 1969, serve as a member of the governing board of the community college district until the expiration of his term of office on June 30, 1971.

In 1969, at the same time and in the same manner as members of the city board of education are elected, an election shall be held in the community college district to elect members of the community college district governing board to fill the positions of the governing board members whose terms will expire on June 30, 1969, and the other governing board members, if any, whose terms will expire on June 30, 1971, and who have elected, pursuant to Section 25413.1, to serve as members of the city board of education only. Of the members elected to the governing board of the community college district in the 1969 general election, those receiving the lowest numbers of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired on June 30, 1971, and who elected to serve on the city board of education only.

The first term of office of any such newly elected member receiving such lower number of votes shall expire on June 30, 1971. The election shall be held throughout the community college district, and the members elected to the community college district governing board thereat shall be elected at large.

For purposes of Section 1225, the governing board of the community college district shall assign office numbers 1, 3, 5, and 7 to members whose first terms of office will expire on June 30, 1971, and office numbers 2, 4, and 6 to members whose terms will expire on June 30, 1973.

SEC. 338. Section 25413.3 of the Education Code is amended to read:

25413.3. Each member of the governing board of the community college district subject to Section 25413.1 shall receive as compensation a sum per board meeting as determined by such governing board, provided that such sum shall not exceed fifty dollars (\$50) per board meeting for not to exceed one board meeting per week. A member may be paid for any meeting when absent if the board, by resolution duly adopted and spread upon its minutes, finds that at the time of the

meeting he is performing services outside the meeting for the community college district.

SEC. 339. Section 25413.4 of the Education Code is amended to read:

25413.4. When a community college district is coterminous with a high school district, the governing board of the high school district shall not constitute the governing board of the community college district. Those persons who on the effective date of this section are serving as members of the governing boards of both a community college district and a coterminous high school district shall, however, continue to so serve until the expiration of their present terms, provided they may on or after July 2, 1969, elect on which of the two boards they will continue to serve. Such election shall be in writing, shall specify the effective date, and shall be filed with the county superintendent of schools having jurisdiction over the district. Those persons electing to withdraw as members of either the governing board of the community college district or the governing board of the high school district shall continue to discharge the duties of the office from which they have withdrawn until their successors on such board are appointed pursuant to Section 1162 or 25413.5 and have qualified.

SEC. 340. Section 25413.45 of the Education Code is amended to read:

25413.45. No member of the governing board of a community college district shall, during the term for which he was elected, be eligible to serve on the governing board of a high school district whose boundaries are coterminous with those of the community college district.

SEC. 341. Section 25413.5 of the Education Code is amended to read:

25413.5. Any vacancy on the governing board of a community college district shall be filled by appointment of the remaining members of the board for the remainder of the unexpired term. If the remaining members of the board fail to agree within 60 days, the county board of education shall appoint a person to fill the vacancy for the remainder of the unexpired term.

SEC. 342. Section 25413.6 of the Education Code is repealed.

SEC. 343. Section 25414.5 of the Education Code is amended to read:

25414.5. In any community college board member election including recall elections, at least one polling place in each of the elementary and unified school districts located in the community college district shall be designated; provided, that, except when a consolidated election is being conducted in which the suspended district participates, a suspended elementary school district may be combined with a contiguous elementary school district for the purpose of the election and

the voters of both shall vote at the polling place designated in the active school district.

SEC. 344. Section 25414.6 of the Education Code is amended to read:

25414.6. When the territory of a community college district which was coterminous with the territory of a joint high school district, both districts being governed by the same city board of education, ceases to be coterminous by virtue of the division of the territory of the high school district into four or more unified school districts, the formation of at least two of which became effective for all purposes on July 1, 1963, a separate governing board of five members for the community college district shall be elected at large at an election, called by the county superintendent of schools having jurisdiction, to be held between March 30 and June 15 of 1964, to take office on the first day of July following their election, with the same effect as prescribed by law for the first members of the governing board of a newly formed community college district.

SEC. 345. Section 25415 of the Education Code is amended to read:

25415. Within 20 days after the appointment of the community college board provided for by Section 25411.5, the county superintendent of schools having jurisdiction shall call a meeting of the board by giving at least 10 days' notice by registered mail to each member, for the purpose of organizing the community college board.

SEC. 346. Section 25415.5 of the Education Code is amended to read:

25415.5. At the meeting the community college board shall organize by electing a president from its members and a secretary, and may transact any other business relating to the affairs of the community college district.

SEC. 347. Section 25416 of the Education Code is amended to read:

25416. The governing board of each community college district shall hold an annual organizational meeting on a day within the period of July 1 to July 15, inclusive. Unless otherwise provided by rule of the governing board, the day and time of the annual meeting shall be selected by the board at its regular meeting held immediately prior to such July 1, and the board shall notify the county superintendent of schools of the day and time selected. The secretary of the board shall, within 15 days prior to the date of the annual meeting notify in writing all members and members-elect of the date and time selected for the meeting.

If the board fails to select a day and time for the meeting, the county superintendent of schools having jurisdiction over the district shall, prior to July 1 and after the regular meeting of the board held immediately prior to July 1, designate the day and time of the annual meeting. The day designated shall be within the period of July 1 to July 15, inclusive. He

shall notify in writing all members and members-elect of the date and time.

At the annual meeting, the governing board of the community college district shall organize by electing a president from its members and a secretary.

SEC. 348. Section 25420 of the Education Code is amended to read:

25420. Every community college board shall hold regular monthly meetings at such times as may be provided in the rules and regulations adopted by them for their own government, except that in community college districts composed of two or more high school districts, the regular meetings may be quarterly.

SEC. 349. Section 25422 of the Education Code is amended to read:

25422. The community college board shall meet in a public building which is owned or leased by the community college district.

SEC. 350. Section 25422.5 of the Education Code is amended to read:

25422.5. Except as otherwise provided in this code, the powers and duties of community college boards are such as are assigned to high school boards.

SEC. 351. Section 25423 of the Education Code is amended to read:

25423. The governing board of any school district which maintains a community college may rent or purchase academic caps and gowns for faculty use at ceremonies.

SEC. 352. Section 25423.5 of the Education Code is amended to read:

25423.5. The governing board of a district maintaining a community college may employ as a community college teacher of an academic subject matter area or areas a person who does not hold a credential issued by the State Board of Education authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any community college. No such person shall be employed for an aggregate period which is greater than three school years unless he fulfills the requirements of Section 13132 and of subdivision (c) of Section 13193.

No person shall be employed pursuant to this section until he has complied with the prerequisites to issuance of a certification document prescribed by Sections 13121, 13123, 13124, 13126, and 13127, and no person shall be so employed who has been determined to come within any of the provisions of Section 13129 or Section 13130. The State Board of Education shall make necessary provision for enforcing compliance with the preceding sentence.

The governing board of each school district maintaining a community college shall, in the manner and form prescribed

by the State Board of Education, promptly after the close of each school year file with the Department of Education a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his employment. The Department of Education shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

For the purposes of this section "academic subject matter area" shall have the meaning set forth in Section 13188.

SEC. 353. Section 25424 of the Education Code is amended to read:

25424. The governing board of any district maintaining a community college may accept on behalf of, and in the name of, the district such gifts, donations, bequests, and devises as are made to the district for community college purposes or to or for the benefit of any community college administered by the district. Such gifts, donations, bequests, and devises may be made subject to such conditions or restrictions as the governing board may prescribe. In no event shall the approval of any state agency be a prerequisite to acceptance of such a gift, donation, bequest, or devise. No real or personal property, including money, accepted by a governing board pursuant to this section shall be considered in determining the eligibility of the district for an apportionment from the State School Fund nor in determining the amount thereof.

SEC. 354. Section 25425 of the Education Code is amended to read:

25425. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14, the payment of fees in a total amount of not more than ten dollars (\$10) for the regular school year, for the following services afforded the pupils:

(a) The health supervision and services, and the medical and hospitalization services, authorized by Article 1 (commencing with Section 11701) of Chapter 4 of Division 9.

(b) The use of automobile parking facilities.

The two types of fees shall be separately assessed, and the fee for use of automobile parking facilities shall be required only of the pupils using such facilities.

Any such fees collected shall be deposited in the general fund of the district, and shall be expended only for the purposes set forth in subparagraphs (a) and (b) of this section. Fees collected for use of automobile parking facilities provided for by investment of student body funds under the authority of Section 10703.5 shall be deposited in a special fund for repayment to the student organization.

SEC. 355. Section 25431 of the Education Code is amended to read:

25431. Except as provided in Section 25432.5, no community college district shall be formed, and the State Board of Education shall not approve a petition to form a community college district if the estimated potential average daily attendance of the district is less than 1,000 units of average daily attendance.

SEC. 356. Section 25431.1 of the Education Code is amended to read:

25431.1. Notwithstanding the provisions of this article to the contrary, any community college district may be formed, and the State Board of Education shall approve any proposal to form the same, if all of the following conditions are met:

(a) The proposed district is in a county with a population of more than four million.

(b) The proposed district has an estimated potential average daily attendance during the fourth school year after the date the district is in existence for all purposes of 1,000 or more.

(c) The proposed district is approved by the county committee on school district organization and determined by the county committee to be isolated from the nearest existing community college attendance center.

(d) The proposed district encompasses more than 300 square miles and includes at least one union high school district.

(e) The main population center of the proposed district is more than 15 miles from the nearest existing community college attendance center.

SEC. 357. Section 25431.5 of the Education Code is amended to read:

25431.5. Except as provided in Section 25432.5, no community college district shall be formed and the State Board of Education shall not approve a petition to form a community college district if the assessed valuation of taxable property in the proposed district is less than one hundred fifty thousand dollars (\$150,000) for each unit of estimated potential average daily attendance. For the purposes of this section, the assessed valuation of the territory in the district shall be that shown by the last equalized assessment roll of the county or counties in which the district will be located as of the time the petition to form the district is presented to the State Board of Education.

SEC. 358. Section 25432 of the Education Code is amended to read:

25432. For the purposes of Sections 25431 and 25431.5, the estimated potential average daily attendance means the estimate made pursuant to this section.

For each petition for the formation of a community college district, the Department of Education shall estimate the at-

tendance of resident pupils who will be in grades 13 and 14 of the proposed district during the second school year after the date the district is in existence for all purposes.

As used in this section, "resident pupils" means pupils who reside or will reside in the proposed district.

SEC. 359. Section 25432.5 of the Education Code is amended to read:

25432.5. If the State Board of Education determines that the proposed district will serve an area which is isolated from other existing community colleges or if existing community colleges are inaccessible to residents of the area to be served, the State Board of Education may approve the formation of a new district community college with a smaller estimated potential average daily attendance or assessed valuation for each unit of estimated potential average daily attendance than that required by Sections 25431 and 25431.5.

SEC. 360. Section 25433 of the Education Code is amended to read:

25433. This article does not apply to the formation of a new community college district which consists wholly or partially of territory of a unified district or union high school district maintaining a community college on September 15, 1961.

SEC. 361. Section 25433.5 of the Education Code is amended to read:

25433.5. Whenever any school district boundary change, whether proposed under this code or under any other provision of law, involves the withdrawal from a school district maintaining three or more community colleges of territory containing community college land, buildings, or facilities owned by that district, such proposal shall not be effected without the prior express approval of the governing board of that district.

SEC. 362. Section 25434 of the Education Code is amended to read:

25434. During the first five years following the formation of a community college district, no territory shall be removed from the district under any procedure unless the consent of the governing board of the district has been given prior to commencement of the proceedings for removal or unless the removal of such territory is provided for in the plans and recommendations of the county committee.

SEC. 363. Section 25435 of the Education Code is amended to read:

25435. Community college districts shall be formed pursuant to this article.

SEC. 364. Section 25436 of the Education Code is amended to read:

25436. A community college district may include all or part of the territory of one high school or unified district or two or more high school or unified districts and may, with the approval of the State Board of Education, include non-contiguous territory; provided, however, that the terms of this

section shall not be applicable to any districting proposals initiated prior to March 1, 1967. A districting proposal shall be deemed to have been initiated when the board of trustees of a community college district and the board of trustees of the district seeking annexation have adopted resolutions ratifying the terms of the annexation agreement.

SEC. 365. Section 25437 of the Education Code is amended to read:

25437. A community college district may be formed to include all or a part of the territory of an existing community college district and one or more high school and unified districts.

SEC. 366. Section 25437.5 of the Education Code is amended to read:

25437.5. The State Board of Education shall establish minimum standards for the formation of community college districts.

SEC. 367. Section 25438 of the Education Code is amended to read:

25438. The governing board of any high school district or the governing boards of two or more high school districts, or the governing board of a community college district and the governing board of one or more high school districts, may present to the State Board of Education a petition in the form prescribed by the Superintendent of Public Instruction, asking permission to call an election for the formation of a community college district to include all the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed community college district, and shall state whether five or seven members shall constitute the governing board of the district. The Superintendent of Public Instruction shall make or cause to be made a survey of the proposed community college district and of other high school districts which, in whole or in part, may appropriately be included in the proposed district.

SEC. 368. Section 25439.5 of the Education Code is amended to read:

25439.5. If the State Board of Education approves the petition, it shall within 30 days after approval notify the superintendent of schools of the county in which the greatest area of the proposed community college district lies.

SEC. 369. Section 25440 of the Education Code is amended to read:

25440. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed community college district lies, shall call an election to be held in every elementary district and unified district or portion thereof included in the proposed community college district. He shall establish one or more precincts in each elementary or unified district, or portion thereof, and

appoint three qualified electors in each precinct to conduct the election.

SEC. 370. Section 25440.5 of the Education Code is amended to read:

25440.5. The election shall be called by posting notices in three public places in each district, one of which shall be a public schoolhouse of the district, at least two weeks before the election, and by publishing the notice at least once a week for two successive weeks in a newspaper having a general circulation in the proposed community college district. The first publication shall be not less than two weeks before the election. The notice shall specify the polling places, and, in cities, the precinct lines.

SEC. 371. Section 25442 of the Education Code is amended to read:

25442. The ballots used in any election held for the purpose of forming a new community college district at the election in each district shall contain the words "Community college district—Yes" and "Community college district—No." The ballots used in any election held pursuant to Sections 25452 and 25452.5 for the purpose of separating the community college from an existing unified or high school district and thus forming a new community college district with boundaries identical to those of the existing unified or high school district shall contain the words "In favor of separation of the community college from the unified district (or high school district) to form a separate community college district—Yes" and "In favor of separation of the community college from the unified district (or high school district) to form a separate community college district—No." Each elector voting at the election shall make a cross with a pencil, pen, or a rubber stamp after the answer he desires to give.

SEC. 372. Section 25443 of the Education Code is amended to read:

25443. Within 10 days after receiving the returns of the election, the superintendent of schools shall combine the votes "for" and the votes "against" the formation of the community college district and declare and record the result, with the details of the vote in each district, in a book kept by him for that purpose.

SEC. 373. Section 25443.5 of the Education Code is amended to read:

25443.5. If a majority of the votes cast at the elections is in favor of the formation of the community college district, he shall file with the county clerk of the county or of each of the counties in which the proposed community college district lies, a certificate showing the total number of votes cast in each district in favor of the community college district, the total number of votes in each district against the community college district, the aggregate result of the election, and the boundaries of the proposed district.

SEC. 374. Section 25444 of the Education Code is amended to read:

25444. If it appears from the certificate filed by the superintendent of schools that a majority of the votes cast at the election is in favor of the formation of the community college district, the community college district is formed effective as provided in Sections 1703 and 1704 of this code. The county clerk shall record the certificate in full in his record of school districts.

SEC. 375. Section 25444.5 of the Education Code is amended to read:

25444.5. If a unified district is formed to include a high school district and the boundaries of the high school district are coterminous with a community college district and with the boundaries of the newly formed unified school district, the community college district shall remain a separate district and shall not become an integral part of the unified district.

This section shall not affect the status of any unified district formed and maintaining a community college on or before July 1, 1961, and shall not be deemed to require the formation of a community college district for the maintenance of any community college now operated by a unified district.

Notwithstanding the provisions of Section 25410, the governing board having jurisdiction over the community college district at the time unification of the component district or districts takes place shall constitute the governing board of the community college district.

A community college district remaining a separate district pursuant to this section shall not be deemed a newly created district within the meaning of Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

SEC. 376. Section 25445 of the Education Code is amended to read:

25445. Upon the formation of a community college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which said districts are thereafter governed by governing boards of identical personnel, if prior to the formation of such community college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate prescribed by Section 20751 of this code such excess tax rate shall be continued at the option of the governing boards of the high school and community college districts as the maximum combined tax rate of both of said districts for combined high school and community college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district.

SEC. 377. Section 25445.5 of the Education Code is amended to read:

25445.5. Every community college district formed under the provisions of this article shall be given the name selected for it by the governing board of the district and shall be designated as the "----- (using the name of the district) Community College District." In the name by which the district is so designated the district and its governing board may sue and be sued and hold and convey property for the benefit of the district.

SEC. 378. The heading of Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 3.5. Alternate Provision for Formation of Community College District From Territory of a Unified District or a High School District Maintaining a Community College

SEC. 379. Section 25450 of the Education Code is amended to read:

25450. A community college district which is coterminous with the boundaries of one high school district maintaining a community college, or which is coterminous with the boundaries of one unified district maintaining a community college may be formed pursuant to this article. The provisions of Article 1 (commencing with Section 25430) of this chapter do not apply to proceedings to form a community college district under this article.

SEC. 380. Section 25450.1 of the Education Code is amended to read:

25450.1. As used in this article "petitioning district" means the high school district or unified district with which the boundaries of the proposed new community college district will be coterminous.

SEC. 381. Section 25450.2 of the Education Code is amended to read:

25450.2. The governing board of the petitioning district may prepare a petition for the formation of a community college district coterminous with the boundaries of the petitioning district. The petition may include a provision for the transfer of all or part of the real and personal property of the petitioning district used for community college purposes to the proposed community college district. The petition shall be submitted to the county committee on school district organization of the county or counties in which the petitioning district is located for review by the committee. The committee shall promptly complete its review of the petition and transmit the petition, with the recommendations of the committee for approval or rejection of the petition, to the State Board of Education for approval. The State Board of Education shall either approve or reject the petition.

SEC. 382. Section 25450.25 of the Education Code is amended to read:

25450.25. If the State Board of Education approves the petition, it shall give written notification of the approval to the governing board of the petitioning district and the county superintendent of schools having jurisdiction over such district. The county superintendent of schools shall cause a copy of the notification, together with the boundaries of the new community college district, to be recorded by the county clerk in his record of school districts. Upon such recordation, the action to form the new community college district is complete.

SEC. 383. Section 25450.3 of the Education Code is amended to read:

25450.3. The governing board of the petitioning district shall, in accordance with the petition, by an order entered on its minutes, transfer to the new community college any property of the petitioning district used for community college purposes the transfer of which was provided for in the petition. The order shall be effective on the date upon which the new community college district becomes effective for all purposes. In the same order, the governing board of the petitioning district shall determine what proportion of the then outstanding bonded indebtedness of the petitioning district was incurred for the acquisition or improvement of the property so transferred to the new community college district. The community college district shall be liable for paying the principal and interest on such portion of the then outstanding bonded indebtedness of the petitioning district. The amount of such portion of outstanding bonded indebtedness shall be included in determining the maximum amount of bonds which the community college district may issue and shall be excluded in determining the maximum amount of bonds the petitioning district may issue.

SEC. 384. Section 25450.35 of the Education Code is amended to read:

25450.35. A community college district formed pursuant to the provisions of this article shall, upon its formation, acquire all rights created and assume all obligations incurred by the petitioning district for community college purposes prior to the formation of such community college district. In addition to the transfer of balances provided in Section 25542.5 of this code, the petitioning district shall transfer to the building fund of the newly formed community college district all funds in the building fund of the petitioning district, regardless of the source of said funds, which are or have been budgeted, allocated, apportioned or appropriated for community college purposes and which are on hand as of the date upon which the community college district becomes effective for all purposes.

SEC. 385. Section 25450.4 of the Education Code is amended to read:

25450.4. Any community college district formed pursuant to this article shall be a separate community college district for all purposes and shall not be an integral part of the petitioning district for any purposes.

SEC. 386. Section 25450.5 of the Education Code is amended to read:

25450.5. The community college district shall be governed by the governing board of the petitioning school district until a separate governing board for the community college district is elected at the first regular governing board election occurring one year after the formation of the community college district is effective for all purposes, and the first members of such separate governing board take office. The new community college district governing board shall be elected pursuant to Article 1 (commencing with Section 25410) of Chapter 1 of this division.

SEC. 387. The heading of Article 4 (commencing with Section 25451) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 4. Alternative Provision for Formation of a Community College District From Territory of a Unified District Maintaining a Community College

SEC. 388. Section 25451 of the Education Code is amended to read:

25451. Where a unified school district maintains one or more community colleges, a community college district may, pursuant to this article, be formed for purposes of maintaining the one or more community colleges. The provisions of Article 1 (commencing with Section 25430) of this chapter and Article 3.5 (commencing with Section 25450) of this chapter shall not apply to proceedings to form a community college district under this article. Proceedings to form a community college district pursuant to this article shall not require approval by the State Board of Education or the Board of Governors of the California Community Colleges.

SEC. 389. Section 25451.3 of the Education Code is amended to read:

25451.3. The governing board of the unified district may by resolution form a separate community college district coterminous with the boundaries of the unified district. The governing board of the unified district shall serve also as the governing board of the community college district.

SEC. 390. Section 25451.5 of the Education Code is amended to read:

25451.5. The governing board shall establish, for community college purposes, separate fiscal procedures, including a separate budget, separate policy development, and separate agenda consideration at meetings of the governing board. Such fiscal procedures, policy development, and agenda shall be separate from those of the unified district.

SEC. 391. Section 25451.7 of the Education Code is amended to read:

25451.7. In any case where a community college district and a unified district have a common governing board

pursuant to the provisions of this article, such governing board shall submit to the county committee on school district organization, or where there is no such county committee, the county board of education a list of real and personal property, funds and other assets, and obligations of the original unified school district. The common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall provide for the evaluation and division between the community college district and the unified school district of the real and personal property, funds and other assets, outstanding and unissued bonds, and other obligations of the original unified school district. In addition the common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall establish procedures for handling the separate fiscal operations.

The evaluation and division of outstanding and unissued bonds between the unified and community college district shall be accomplished without an election of the voters of either district and only the pro rata amount of bonded indebtedness divided hereunder shall be a liability of each district for purposes of determining the total authorized bonded indebtedness of each district. The common governing board, subject to the approval of the county committee on school district organization, or where there is no such county committee, the county board of education, shall select a date for evaluation purposes under this article.

All other evaluation and division of any assets and liabilities of each district not expressly provided for in this article shall be completed by the common governing board in accordance with a plan approved by the county committee on school district organization, or where there is no such county committee, the county board of education.

SEC. 392. Section 25451.9 of the Education Code is amended to read:

25451.9. In any case where a community college district and a unified district have a common governing board pursuant to the provisions of this article, such governing board may, on or before December 31 in any even-numbered year, on its own initiative, determine that a separate community college district governing board be established and require the members of the common board to elect as to which board they shall serve upon. The community college board so created shall be composed of the same number of members as the common board.

SEC. 393. Section 25452 of the Education Code is amended to read:

25452. If an individual, whose term on the common governing board is to expire on June 30 of the second succeeding odd-numbered year following the even-numbered year set out in Section 25451.9, elects to serve on the community college

district governing board only, such act shall be deemed to have created a vacancy in his membership on the unified district governing board commencing on the first day of July of the first odd-numbered year following such even-numbered year. Such vacancy shall be filled as provided by law.

In any odd-numbered year first succeeding the year set out pursuant to Section 25451.9 on the same date upon which the election for members of the common governing board is held, an election shall be held in the community college district to elect members to the community college district governing board to fill the positions of the governing board members whose terms will expire on June 30 of such odd-numbered year, and the other governing board members, if any, whose terms will expire on June 30 of the next succeeding odd-numbered year, and who have elected, pursuant to Section 25451.9, to serve as members of the unified district board only. Of the members elected to the governing board of the community college district at that election, those receiving the lowest number of votes shall be deemed to have been elected to the positions, if any, held by members whose terms would otherwise have expired in the next succeeding odd-numbered year and who elected to serve on the unified district governing board only. The first term of office of any such newly elected member receiving such lower number of votes shall expire on June 30 of the next succeeding odd-numbered year. The election shall be held throughout the community college district, and the members elected to the community college district governing board thereat shall be elected at large.

SEC. 394. Section 25452.1 of the Education Code is amended to read:

25452.1. Notwithstanding the provisions of Sections 25451.9 and 25452, where a community college district and a unified district have a common governing board consisting of five members, the organization of which was completed on or before December 31, 1968, pursuant to the provisions of this article, and such governing board is elected and the terms of office fixed pursuant to the provisions of a city charter, such governing board may, on or before December 31 in any year, on its own initiative, determine that a separate community college district governing board be established and require the members of the common board to elect as to which board they wish to serve upon. The community college board so created shall be composed of the same number of members as the common board.

SEC. 395. Section 25452.2 of the Education Code is amended to read:

25452.2. If an individual elects, pursuant to Section 25452.1, to serve on the community college district governing board, such an act shall be deemed to have created a vacancy on the unified district governing board commencing on the first day of July next succeeding such election. Such a vacancy shall be filled as provided in the charter of the city,

or if no such provision is made, as provided for in this code.

A member of the common board who elects to be a member of the community college district governing board, shall hold such office until June 30 of the year in which his term of office on the common board would have expired. Positions on the community college district governing board which remain unfilled after such elections have been made by the members of the common board, shall be filled as provided for in Section 25413.5. A member so appointed shall serve until June 30 of the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1.

In the first odd-numbered year next succeeding the year set out pursuant to Section 25452.1 on the same date upon which governing boards of a majority of other school districts in the county are elected, an election shall be held to fill those positions held by appointees pursuant to this section and members who elected to serve and whose terms will expire on June 30 of such first odd-numbered year. After the election, the members of the board shall have terms of office such that three members shall have terms which expire on June 30 of the next succeeding odd-numbered year and two members shall have terms which expire on June 30 of the second succeeding odd-numbered year. Governing board members who had been members of the common board shall have terms of office as provided for in this section. Governing board members elected at such election who received the lowest number of votes shall be deemed to have been elected to the positions of those, if any, whose terms will expire on June 30, of the next succeeding odd-numbered year. Others elected at such election shall have terms of office which expire on the second succeeding odd-numbered year. The election shall be held throughout the community college district and the members elected to the community college district governing board shall be elected at large. Except for the initial terms of office, the term of office for a member of the governing board of the community college district shall be four years and shall commence on July 1 and terminate on June 30.

SEC. 396. Section 25452.3 of the Education Code is amended to read:

25452.3. Whenever, under the procedure prescribed in this article, a community college district is formed to assume the maintenance and operation of any community college previously maintained and operated by a unified school district, all employees of such unified district who are designated by the governing board of the unified school district as having been employed in connection with such community college during the school year preceding the school year in which the newly formed community college district becomes effective for all purposes shall choose whether to be designated employees of the new community college district or be designated employees of the unified district. All employees shall retain all personal rights, benefits, and status which they had accumulated

or to which they were entitled in such unified district. Employees who are members of a local district retirement plan discontinued pursuant to Section 14690 shall retain membership and all rights in such retirement plan, and shall continue to receive the other benefits from any reserve fund established pursuant to Section 14690 in accordance with a plan adopted by the common governing board and approved by the county committee on school district organization, or where there is no such county committee, the county board of education.

SEC. 397. Section 25452.4 of the Education Code is amended to read:

25452.4. When a community college district is established pursuant to this article in a unified district not subject to the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of this code, the common board of the two districts shall adopt policies, relating to the classified service, which permit transfers, promotions, or other assignments between the two districts as if the single unified district, including the community college system, was being maintained. The common board may specify that certain rules are applicable only to the classified service of the community college or that the rule is applicable only to the classified service of the unified district, to meet the special problems of the two districts.

Should the common board be dissolved as provided for in Section 25451.9, the rights, benefits, and burdens of classified employees will be fixed pursuant to Section 13584 and Section 13584.3, even though the type of district reorganization required herein is not specifically defined in those two sections. The governing board of the community college district shall, initially, adopt the rules and regulations governing its classified service which had prevailed under the common board.

SEC. 398. Section 25452.5 of the Education Code is amended to read:

25452.5. Notwithstanding other provisions of law to the contrary, when a unified district was subject to the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10 of this code prior to the separation as provided for in this article, the personnel commission of the unified district shall also serve as the personnel commission for the community college district. It may, however, adopt certain rules specifically applicable only to the community college district to meet special problems of that district, and it may, in any rule, provide that the rule is not applicable to the community college district.

The commission shall provide for transfers, promotional opportunities, and other matters referred to in Sections 13713 and 13714 or other applicable provisions for classified personnel of both districts as if the single unified district, which included the community college system, was being maintained.

Should the common board be dissolved as provided for in Section 25451.9, the provisions of Sections 13584 and 13584.1

shall apply. The governing board of the community college district shall cause a personnel commission to be established under law applicable to the personnel commission of the unified district. The personnel commission of the community college district shall, initially, adopt the rules and regulations of the personnel commission which had served both districts.

SEC. 399. The heading of Article 5 (commencing with Section 25457) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 5. Inclusion of Territory of High School Districts and Unified Districts in Districts Maintaining a Community College

SEC. 400. Section 25457 of the Education Code is amended to read:

25457. The Legislature hereby declares as its policy that the territory of all high school districts and unified districts shall be included in districts maintaining a community college.

SEC. 401. Section 25457.2 of the Education Code is amended to read:

25457.2. On or before September 15, 1967, the county committee on school district organization of each county shall submit plans and recommendations for the inclusion of all of the territory of the county in one or more community college districts, or for the annexation to existing community college districts of territory not a part of any community college district. Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing community college district which maintains not more than two community colleges, an agreement to the annexation by the community college board shall not be required.

SEC. 402. Section 25457.6 of the Education Code is amended to read:

25457.6. A county committee on school district organization may formulate plans and recommendations for the formation of a community college district as a preliminary step to the inclusion of such district in a larger community college district for which plans and recommendations have been or are being formulated. The plans and recommendations for the proposed district to be formed as a preliminary step and the plans and recommendations for the proposed larger district shall be submitted to and considered by the State Board of Education at the same time, as though the whole were a single proposal.

Plans and recommendations formulated pursuant to this section may include a requirement that bonds of the preliminary community college district be authorized in an amount specified by the county committee on school district organization for the purpose of paying an equitable share of the cost of the property to be owned or held by the larger community college district in which the preliminary community college

district is to be included. When such a requirement is included in the plans and recommendations, the county superintendent shall call and conduct a bond election to be held concurrently with the election on formation of the preliminary community college district.

Sections 25431 and 25431.5 of this code shall not apply to the formation of a community college district as a preliminary step to the inclusion of such district in a larger community college district.

If plans and recommendations submitted pursuant to this section are approved by the State Board of Education, the county superintendent of schools shall call elections on the question of approval of each of the proposals on dates fixed by the county committee on school district organization, but with the dates of the elections on the formation of the preliminary community college district and the formation of the larger community college district to be no less than 60 days apart. The election on the formation of the larger community college district shall be held only if the election on the formation of the preliminary community college district and, if required, the bond election are successful.

If an election to form a community college district as a preliminary step to the inclusion of such a district in a larger community college district is successful, the district shall not become effective for any purpose until the formation of the larger community college district has been approved at an election and the election results have been certified as required by law.

SEC. 403. Section 25457.7 of the Education Code is amended to read:

25457.7. Notwithstanding any provision of law to the contrary, the governing board of a community college district formed as a preliminary step to the inclusion of such district in a larger community college district pursuant to Section 25457.6, may request the county superintendent of schools to transfer to the larger community college district any funds derived from the issuance and sale of bonds authorized by the district for transfer to the larger community college district. The county superintendent of schools shall order the transfer to the larger community college district as requested. Any funds so transferred may, after inclusion in the larger community college district of the community college district organized as a preliminary step to inclusion, be expended for purposes authorized by law, throughout the area of such larger community college district.

SEC. 404. Section 25457.8 of the Education Code is amended to read:

25457.8. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.2, except when a one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a

plan or plans and submit them to the State Board of Education on or before September 15, 1968, for its approval. If the one-year extension of time has been given under the provisions of Section 25457.3 and this section, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1969, for its approval. Plans formulated by the Department of Education may include any or all provisions authorized to be included in a recommendation of a county committee pursuant to Chapter 10 (commencing with Section 3101), Division 5, and Chapter 2 (commencing with Section 25430), Division 18.5, of the Education Code.

When submitting of plans and recommendations for a territory has become the responsibility of the Board of Governors of the California Community Colleges, and such territory may be affected by a study of the feasibility of an interstate community college district, the board of governors may grant an extension of time for the preparation of plans and recommendations. Such extension shall not exceed two years.

SEC. 405. Section 25457.9 of the Education Code is amended to read:

25457.9. Notwithstanding Section 1706, specific provision is made that a community college district formed pursuant to Section 25457.6 as a preliminary step to inclusion in a larger community college district also formed pursuant to Section 25457.6 shall continue to exist as a district for the purpose of issuing and selling bonds in the amount specified by the county committee on school district organization, the proceeds of which are to be transferred to the larger community college district on or after the date the formation of such larger community college district becomes effective for all purposes.

SEC. 406. Section 25458 of the Education Code is amended to read:

25458. The procedures contained in Chapter 10 (commencing with Section 3100) of Division 5 shall be used in the development of plans and recommendations for the inclusion of territory in community college districts.

SEC. 407. Section 25458.5 of the Education Code is amended to read:

25458.5. The plans and recommendations for the formation of a community college district prepared by a county committee on school district organization pursuant to this article may propose the formation of a community college district or the annexation of territory to a community college district to include either all or a part of a union or joint union high school district or unified district.

The portion of a union or joint union high school district or unified district excluded from a proposed community college district may be excluded only for the purpose of becoming a part of another community college district. If the excluded portion fails to become a part of a community college district within a period of five years after its exclusion it shall become

a part of the community college district of which the union or joint union high school district or unified district is a component. Any portion of a union or joint union high school district or unified district excluded from a newly formed community college district under provisions of this section may be included in a proposal to form a new community college district or annexed to a community college district under provisions of Chapter 2 (commencing with Section 25435) of Division 18.5 or Chapter 10 (commencing with Section 3100) of Division 5 of this code.

SEC. 408. Section 25459 of the Education Code is amended to read:

25459. On and after February 1, 1963, no district, except a community college district, shall be formed to maintain a community college. No district, except a community college district, shall maintain a community college on and after July 1, 1970.

A separate community college district may be formed by a unified school district pursuant to the provisions of Article 3.5 (commencing with Section 25450) of this chapter or Article 4 (commencing with Section 25451) of this chapter.

SEC. 409. Section 25463 of the Education Code is amended to read:

25463. Two or more contiguous community colleges may be united to form a single community college district in the same manner as provided in this code for the uniting of two or more contiguous elementary school districts.

SEC. 410. Section 25465 of the Education Code is amended to read:

25465. A majority of the registered electors residing in any high school district, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the community college district, a petition for the annexation of the high school district to the community college district. The petition shall be accompanied by an agreement, signed by a majority of the members of the governing board of the community college district to which annexation is desired, and by a majority of the trustees of the high school district, consenting to the annexation and setting forth the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

SEC. 411. Section 25465.5 of the Education Code is amended to read:

25465.5. The board of supervisors, after receiving the petition and agreement, and the recommendation of the superintendent, may make an order annexing the high school district to the community college district upon the terms agreed on.

SEC. 412. Section 25466 of the Education Code is amended to read:

25466. Whenever it appears that the terms agreed upon by the trustees of the high school district seeking to be annexed and the community college board include the assumption by the high school district of its pro rata portion of any bonded indebtedness existing against the community college district, the board of supervisors shall call an election in the high school district proposing to assume the indebtedness for the purpose of determining whether the indebtedness shall be authorized and assumed.

SEC. 413. Section 25467 of the Education Code is amended to read:

25467. If it appears from the returns of the election that two-thirds of the votes cast at the election are in favor of the assumption by the district seeking to be annexed of its pro rata portion of the bonds, the high school district shall be annexed to the community college district.

SEC. 414. Section 25467.5 of the Education Code is amended to read:

25467.5. If the bonded indebtedness is assumed by the annexed high school district, all levies of taxes made for the payment of the bonds and interest thereon, shall be upon the property of the annexed high school district at the same rate as levied upon the property of the original community college district.

SEC. 415. Section 25468 of the Education Code is amended to read:

25468. The order of the board of supervisors annexing the high school district to a community college district shall be entered by the clerk of the board in his record of community college districts. He shall send a copy of the order to the county clerk of each county in which any part of the community college district is situated, who shall enter it in his record of community college districts.

SEC. 416. The heading of Article 9 (commencing with Section 25470) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 9. Annexation of High School Districts Upon Petition of Community College Boards

SEC. 417. Section 25470 of the Education Code is amended to read:

25470. Whenever a principal of a community college in any community college district presents to the governing board of the community college district a statement made under oath that the average daily attendance in the community college, of pupils whose parents reside in a high school district not maintaining a community college, was an average of three or more for the two school years next preceeding, setting forth the names of the pupils, the governing board of the community college district may petition the board of supervisors of the county, the superintendent of schools of which

has jurisdiction over the high school district, to annex the high school district to the community college district.

Where a community college was maintained by a high school district which has been formed as a community college district or portion thereof, the governing board of the community college district so formed may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over another high school district, to annex such other high school district if it does not maintain its own community college and the principal of the community college presents to the governing board of the community college district a statement, made under oath, that the average daily attendance in the community college of pupils whose parents reside in such other high school district was three or more for the two school years next preceding, setting forth the names of the pupils.

SEC. 418. Section 25470.5 of the Education Code is amended to read:

25470.5. Upon presentation of the petition, accompanied by the sworn statement of the principal of the community college concerning the attendance and residence of the pupils, and the verification of the facts by the county superintendent of schools having jurisdiction over the community college district, the board of supervisors shall set the petition for hearing at a regular meeting of the board and shall publish in a newspaper of general circulation in the county once each week for at least two weeks prior to the hearing a notice containing a general statement of the purpose of the petition and the time and place when and where the petition will be heard. The clerk of the board of supervisors shall mail a copy of the notice to each of the trustees of the high school district at least 10 days prior to the hearing.

SEC. 419. Section 25471 of the Education Code is amended to read:

25471. The board of supervisors shall at the time and place named in the notice meet to receive any protest which interested persons may present. If no protest is filed it shall make an order annexing the high school district to the community college district.

SEC. 420. Section 25471.5 of the Education Code is amended to read:

25471.5. If a petition protesting against the annexation, signed by 20 percent or more of the qualified electors of the high school district, as shown by the affidavit of one of the petitioners, is filed at the meeting, the board of supervisors shall order an election to be held in the high school district within 30 days after the making of the order, to determine the question. The election shall be called and held in the same manner as the elections for high school district bonds, except that the words to appear upon the ballot shall be "For annexation to (insert name of) community college district—Yes" and "For annexation to (insert name of) community college

district—No," and except that the returns shall be made to the board of supervisors.

SEC. 421. Section 25472 of the Education Code is amended to read:

25472. If it appears that a majority of the votes cast at the election is in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the community college district. The order shall be entered by the clerk of the board in his record of high school districts. He shall send a copy of the order to the county clerk of each county in which any part of the community college district is situated, who shall enter it in his record of community college districts.

SEC. 422. Section 25473 of the Education Code is amended to read:

25473. Whenever the governing board of each of two or more community college districts, under the provisions of this article, petitions the board of supervisors having jurisdiction for the annexation of the same high school district, the board shall refer the matter to the county superintendent of schools having jurisdiction over the high school district. The county superintendent shall make a recommendation on the matter, after which the board of supervisors shall make an order stating to which of the community college districts the high school district may be annexed.

SEC. 423. Section 25473.5 of the Education Code is amended to read:

25473.5. Whenever a high school district is annexed to a community college district pursuant to this article, the territory annexed to the community college district shall not be liable for the payment of any part of the interest on, or principal of any bonded indebtedness of the community college district theretofore incurred, unless a pro rata portion of the indebtedness is assumed pursuant to this article.

SEC. 424. Section 25474 of the Education Code is amended to read:

25474. After the annexation of a high school district pursuant to this article, all property belonging to the original community college district is the property of the new community college district so formed.

SEC. 425. Section 25476 of the Education Code is amended to read:

25476. The governing board of a high school district in which reside persons attending a regular day community college in a community college district may petition the board of supervisors of the county having jurisdiction over the high school district to annex the high school district to the community college district.

SEC. 426. Section 25476.5 of the Education Code is amended to read:

25476.5. The petition shall be accompanied by a verified copy of a resolution adopted by the governing board of the

community college district named in the petition consenting to the annexation thereto of the high school district. The resolution consenting to the annexation may stipulate that the high school district shall assume a proportionate share of the outstanding bonded indebtedness of the community college district as a condition to the annexation. Upon receipt of the petition and the resolution of consent, the board of supervisors shall call an election to be held in each elementary school district in the high school district named in the petition for the purpose of determining whether the high school district shall be annexed to the community college district.

SEC. 427. Section 25477 of the Education Code is amended to read:

25477. The election shall be called, held, and conducted in the same manner as are the elections of governing boards of elementary school districts, except that the words to appear upon the ballot shall be:

(a) If the assumption of bonded debt is not involved: "For annexation to ----- (insert name) Community College District—Yes" and "For annexation to ----- (insert name) Community College District—No."

(b) If the assumption of bonded debt is stipulated in the resolution of the governing board of the community college district: "For annexation to ----- (insert name) Community College District and the assumption of bonded debt—Yes" and "For annexation to ----- (insert name) Community College District and the assumption of bonded debt—No," and except that the returns shall be made to the board of supervisors.

SEC. 428. Section 25477.5 of the Education Code is amended to read:

25477.5. If the assumption of bonded debt is not involved and if it appears that a majority of all votes cast at the election were cast in favor of the annexation or if the assumption of bonded debt is stipulated in the resolution of the governing board of the community college district and it appears that two-thirds of the votes cast at the election were in favor of the annexation, the board of supervisors shall make an order annexing the high school district to the community college district. Upon the making of the order the annexation shall be deemed to have been made effective pursuant to the provisions of Sections 1601 and 1603 of this code.

SEC. 429. The heading of Article 11 (commencing with Section 25480) of Chapter 2 of Division 18.5 of the Education Code is amended to read:

Article 11. Annexation of One Community
College District by Another

SEC. 430. Section 25480 of the Education Code is amended to read:

25480. A community college district, hereinafter in this article called the petitioning district, may be annexed to another community college district, hereinafter in this article called the admitting district, upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

SEC. 431. Section 25480.5 of the Education Code is amended to read:

25480.5. The proceedings for annexation of one community college district to another community college district may be commenced by the petitioning district in either of the following ways:

(a) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a petition asking for the annexation of the district to a community college district, signed by 25 percent of the registered electors of the petitioning district.

(b) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a resolution of the governing board of the petitioning district asking for the annexation of the district to a community college district.

The petition or resolution presented pursuant to this section shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district consenting to and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

SEC. 432. Section 25481.5 of the Education Code is amended to read:

25481.5. The election shall be called in all respects as specified in Sections 1941 to 1948, inclusive, except that the form of the ballot shall be: "For annexation to the _____ Community College District—Yes" and "For annexation to the _____ Community College District—No" or words of similar import. If a majority of the votes cast in the entire petitioning district is in favor of the annexation, the annexation is complete. The result of the election shall be reported by the election officers in each elementary or unified school district to each superintendent of schools of any county in which the district is situated within five days after the election.

SEC. 433. Section 25482 of the Education Code is amended to read:

25482. Whenever a community college district is annexed to another community college district pursuant to this article, all funds, property, and obligations of the petitioning district shall become the funds, property, and obligations of the admitting district. The bonded indebtedness of any district incurred prior to the annexation shall remain the sole obligation

of the territory of the district as it existed prior to the annexation.

SEC. 434. Section 25484 of the Education Code is amended to read:

25484. Whenever the boundary of any high school or unified district included in a community college district is changed by annexation, withdrawal, transfer of territory, operation of law or in any other manner, such change shall not effect a corresponding change in community college district boundaries, unless such change is provided for in the terms of agreement for annexation or transfer of territory or is recommended by the county committee on school district organization and is approved by the governing board of the community college district affected.

SEC. 435. Section 25484.5 of the Education Code is amended to read:

25484.5. The boundaries of every community college district as the same were established for the purpose of the levy and collection of taxes for the fiscal year 1947-48, are hereby confirmed, validated, and declared legally effective for all purposes.

SEC. 436. Section 25485 of the Education Code is amended to read:

25485. If a new high school or unified district is formed from territory entirely within an existing community college district, the new high school or unified district shall continue to be a part of the community college district.

SEC. 437. Section 25485.1 of the Education Code is amended to read:

25485.1. Whenever a new high school or unified school district is formed to include territory of one or more community college districts, or from territory partly in a community college district and partly in no community college district, the boundary lines of the community college district or districts shall not change unless the county committee provides for a change of such boundaries in its plans for the formation of the high school or unified district.

SEC. 438. Section 25485.2 of the Education Code is amended to read:

25485.2. Any part of a community college district may be transferred to another community college district in the manner provided in Article 3 (commencing with Section 2361) of Chapter 5 of Division 5 of this code.

SEC. 439. Section 25486 of the Education Code is amended to read:

25486. On or before the first day of February in any school year a majority of the electors residing in a community college district, and two-thirds of the electors residing in any high school district which is a part of the community college district, as shown by the affidavit of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the community college district, petitions

asking for the exclusion of the high school district from the community college district for the purpose of permitting the territory in the high school district to be formed into a community college district or to become a part of another community college district. The petitions shall be accompanied by an agreement signed by a majority of the governing board of the community college district, and a majority of the trustees of the high school district consenting to the exclusion and setting forth the terms of the agreement. The superintendent of schools shall, after verifying the signatures to the petitions and agreements and finding them sufficient, transmit the petitions and agreement to the board of supervisors of his county with his recommendations.

SEC. 440. Section 25486.5 of the Education Code is amended to read:

25486.5. The board of supervisors, after the receipt of the petitions and agreements, together with the recommendations of the superintendent of schools, may make an order excluding the high school district from the community college district upon the terms agreed on. The order withdrawing the high school district from the community college district shall not become effective until the high school district becomes a community college district or becomes a part of a community college district.

SEC. 441. Section 25487 of the Education Code is amended to read:

25487. Any high school district excluded from a community college district shall continue to bear its proportionate share of the bonded indebtedness of the community college district incurred prior to the exclusion of the high school district, as though the exclusion had not taken place.

SEC. 442. Section 25487.5 of the Education Code is amended to read:

25487.5. The order of the board of supervisors excluding a high school district from a community college district shall be entered by the clerk of the board in his record of community college districts. He shall send a copy of the order to the county clerk of each county in which any part of the community college district is situated, who shall enter it in his record of community college districts.

SEC. 443. The heading of Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code is amended to read:

CHAPTER 3. EDUCATION PROGRAM OF COMMUNITY COLLEGES

SEC. 444. Section 25500 of the Education Code is amended to read:

25500. Community colleges shall be established and maintained in community college districts and maintained in high school districts pursuant to Sections 25500 to 25504.5, inclu-

sive, Sections 25506 to 25506.5, inclusive, Sections 25507.5 to 25511.5, inclusive, and Sections 25540 to 25541, inclusive.

SEC. 445. Section 25500.5 of the Education Code is amended to read:

25500.5. The governing board of each community college district shall establish and maintain one or more community colleges.

SEC. 446. Section 25501 of the Education Code is amended to read:

25501. With the approval of the Superintendent of Public Instruction and the State Board of Education, the governing board of any district authorized to establish and maintain a community college may, by resolution establish one or more four-year community colleges for the education of pupils in grades 11 to 14, inclusive. In any community college district embracing two or more high school districts, the resolution shall be approved in writing by a majority of the members of the governing board of each high school district before the four-year community college may be established.

SEC. 447. Section 25501.5 of the Education Code is amended to read:

25501.5. Community colleges maintained on July 1, 1952, by the governing board of a high school district are herewith authorized to be maintained by the governing board of a high school district.

SEC. 448. Section 25502 of the Education Code is amended to read:

25502. Community colleges may be maintained as separate day or evening community colleges or in conjunction with any day or evening high school. Evening community colleges may be designated as adult schools.

SEC. 449. Section 25502.3 of the Education Code is amended to read:

25502.3. Notwithstanding any provisions to the contrary, at the request of a district maintaining a community college, the Superintendent of Public Instruction may approve a program of studies on a quarter system or a trimester basis in accordance with rules and regulations prescribed by the State Department of Education.

SEC. 450. Section 25502.5 of the Education Code is amended to read:

25502.5. Each community college shall provide for the education of pupils in the 13th and 14th grades and for the education of such adults and minors as may properly be admitted but who are not classifiable by grade.

Persons 21 years of age or over enrolled in less than 10 class hours as defined in Section 11451 in classes of any kind whatsoever maintained in connection with a community college, except classes maintained in English and citizenship for foreigners, classes in elementary subjects, and classes which are required in order that the participant may qualify for a high school diploma, where no charge of any kind shall be

made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes. The total of the tuition required and the apportionments from the State School Fund on account of the attendance in the classes shall not exceed the estimated cost of all such classes maintained.

SEC. 451. Section 25503 of the Education Code is amended to read:

25503. The governing board of any district maintaining a two-year community college shall admit to the community college any high school graduate.

Such governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the principal of the community college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the community college if he so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to the scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. The provisions of this paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

SEC. 452. Section 25503.5 of the Education Code is amended to read:

25503.5. The principal of any two-year community college may admit to the community college as a special part-time student any 11th or 12th grade high school student whose admission is recommended by his high school principal. A principal of a high school may recommend a high school student as a special part-time student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of high school students in excess of 15 percent of the total number of 11th and 12th grade students enrolled in the high school at the time of recommendation.

The attendance of a student at community college as a special part-time student pursuant to this section is authorized attendance and the student shall receive credit for community college courses which he completes in the same manner

as if he were a regularly enrolled community college student unless, upon agreement between the two districts, the student receives high school credit for the course completed.

Each special part-time student shall attend high school classes for at least the minimum schoolday.

SEC. 453. Section 25503.6 of the Education Code is amended to read:

25503.6. The principal of any two-year community college may admit to the summer session of the community college as a special student any high school student who has completed the 11th grade and whose admission to summer session is recommended by the principal of the high school in which the student completed the 11th grade. A principal of a high school may recommend such a student as a special student pursuant to rules and regulations which may be adopted by the governing board of the district maintaining the high school. A principal of a high school shall not recommend a number of students who have completed the 11th grade in excess of 5 percent of the total number of students in the high school who have completed the 11th grade immediately prior to the time of recommendation.

The attendance of a student at community college as a special summer session student pursuant to this section shall be credited to the district maintaining the community college for the purposes of allowances and apportionments from the State School Fund, and the student shall receive credit for community college courses which he completes, in the same manner as if he were a regularly enrolled community college student.

Sections 25503.5 and 6401 to 6403, inclusive, do not apply to the special students authorized to be admitted to a community college summer session pursuant to this section.

SEC. 454. Section 25504 of the Education Code is amended to read:

25504. The principal of any community college may, in accordance with such rules as the governing board of the district maintaining the community college may adopt, admit to the community college any person who has served in the active military service of the United States or of the State of California for at least 90 days during a war with any foreign power or during any period of national emergency declared by the President of the United States.

SEC. 455. Section 25504.5 of the Education Code is amended to read:

25504.5. The principal of any four-year community college shall admit to the 11th or 12th grade of the community college any pupil who has completed the work of the 10th grade and any other person over 16 years of age who in his judgment is capable of profiting from the instruction offered.

The governing board of the district maintaining any four-year community college shall admit to the 13th or 14th grade of the community college any high school graduate.

Such governing board may admit to the 13th or 14th grade of the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board or of the principal of the community college if he is so authorized by rule of the governing board, is capable of profiting from the instruction offered.

Such governing board may by rule determine whether there shall be admitted to the 13th or 14th grade of the community college any other person who is over 18 years of age and who, in the judgment of the board or of the principal of the community college if he is so authorized by the rule, is capable of profiting from the instruction offered. If the governing board determines to admit such other persons, any such person who is admitted shall be admitted as a provisional student and thereafter shall be required to comply with the rules and regulations prescribed by the State Board of Education or the Superintendent of Public Instruction pertaining to scholastic achievement and other standards to be met by provisional or probationary pupils, as a condition to being readmitted in any succeeding semester. This section shall not apply to persons in attendance in special classes and programs established for adults pursuant to Article 12 (commencing with Section 6351) of Chapter 6 of Division 6, or to any persons attending on a part-time basis only.

SEC. 456. Section 25505 of the Education Code is amended to read:

25505. The following definitions shall be used in Sections 25505.1 to 25505.9 inclusive:

(a) A nonresident is a student whose residence is not in the State of California.

(b) A district resident is a student whose residence is in the State of California and is within a district.

(c) A nondistrict resident is a student whose residence is in the State of California but is not within a district.

(d) A district is a school district maintaining or formed to maintain one or more community colleges.

SEC. 457. Section 25505.1 of the Education Code is amended to read:

25505.1. Residence for community college attendance purposes shall be determined in accordance with Government Code Sections 243 and 244 except that:

(a) If an unmarried minor resides with a parent, the residence of the minor shall be that of the parent with whom he is residing.

(b) The residence of an unmarried minor who for at least two years has been in the continuous direct care and control of and has lived with an adult resident of the state other than his parent, shall be that of such adult resident.

(c) A married woman may establish her own residence.

(d) An apprentice as defined in Section 3077 of the Labor Code may establish his own residence.

SEC. 458. Section 25505.2 of the Education Code is amended to read:

25505.2. Each student enrolled in or applying for enrollment in a community college shall provide information as required by the district in order that determination may be made that he is a nonresident, a district resident, or a non-district resident. The determination of residence of students shall be made as of the opening day of the semester, session, or quarter during which the student proposes to attend a community college, and except to correct errors or false information such determination shall not be changed during that semester, session, or quarter.

SEC. 459. Section 25505.3 of the Education Code is amended to read:

25505.3. Subject to the provisions of Sections 25503 to 25504.5, inclusive, a district resident shall be admitted to a community college in another district unless such admission would be contrary to the terms of an interdistrict attendance agreement or a notice of restriction.

SEC. 460. Section 25505.4 of the Education Code is amended to read:

25505.4. (a) An interdistrict attendance agreement may be entered into between two districts specifying the terms and conditions under which district residents of one district may attend a community college in the other district. The agreement may be for any period agreed upon but for not less than one year.

(b) Tuition charges including charges for use of buildings and equipment may be specified as part of the terms and conditions of an interdistrict attendance agreement. Such charges shall be not less than the apportionments provided by the state to the district of attendance because of attendance of students under the agreement nor shall such charges be more than would be computed as specified in Section 20201.

(c) If either district is within the first three years of its existence and has not acquired facilities from a preceding district, the \$300 charge for use of buildings and equipment specified in Section 20201 shall not be charged to either district.

SEC. 461. Section 25505.5 of the Education Code is amended to read:

25505.5. A district may restrict admission of its residents in a community college of another district or it may restrict admission of residents of another district into its community college or colleges by means of a notice of restriction. The notice of restriction shall be sent to the district to which it applies, to the county superintendent of each county containing all or part of both districts, and shall be published in the catalog of the district issuing the notice and of the district to which the notice applies. A notice of restriction shall be effective with the school session immediately following the next succeeding April 1 after receipt of the notice by the district to which it is directed. It shall continue in effect until with-

drawn. A district receiving a notice of restriction shall not permit attendance contrary to the notice.

SEC. 462. Section 25505.6 of the Education Code is amended to read:

25505.6. If within 30 days after having requested permission to enroll in a community college of another district, a resident student is not permitted to attend because of the terms of an interdistrict attendance agreement or a notice of restriction, an appeal may be made to the county board of education in the county of the student's residence. The appeal may be made by the student, his parent, or his guardian.

Within 30 days after the filing of the appeal the county board of education or its delegated representative shall grant or deny the appeal.

If the appeal is granted and attendance is allowed, the district of residence shall pay tuition to the district of attendance in accordance with an interdistrict attendance agreement which is in effect between the districts. In the absence of an interdistrict attendance agreement and subject to the provisions of Section 25505.4(c) the rate of tuition shall be computed as specified in Section 20201 including the specified \$300 charge per unit of average daily attendance for use of buildings and equipment.

SEC. 463. Section 25505.7 of the Education Code is amended to read:

25505.7. The governing board of any school district shall admit to a community college maintained by it any nondistrict resident who meets the requirements of Sections 25503 to 25504.5, inclusive.

SEC. 464. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Superintendent of Public Instruction, contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the State Board of Education not later than January 1st of each year. The fee shall represent the amount per student enrolled in community colleges in all the districts of the state, which is expended by all the districts from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining community colleges in the state divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The State Board of Education shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the community college.

A district shall report annually to the State Department of Education the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 25 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1970-71 and except that the provisions of this section which require annual reports to be filed with the State Department of Education on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

SEC. 465. Section 25505.9 of the Education Code is amended to read:

25505.9. The State Board of Education may adopt rules providing for refunds of any of the following nonresident tuition and dormitory fees:

(a) Those collected in error.

(b) Those refundable as a result of a reduction of the educational program at the community college for which the fees have been paid.

(c) Those refundable as a result of a student's withdrawal from an education program at the community college for which fees have been paid, where the withdrawal is for reasons deemed sufficient by the governing board of the community college district.

Pending adoption of such rules by the State Board of Education, governing boards of community college districts may adopt rules providing for such refunds.

SEC. 466. Section 25506 of the Education Code is amended to read:

25506. The governing board of any school district which is authorized to maintain a community college may contract with the Trustees of the California State Colleges for the maintenance of a community college in a state college situated in the district. Any contract executed pursuant to this section

shall include among its provisions a requirement that all expenditures incurred for community college maintenance shall be payable only on order of the governing board as all other expenditures of the district are payable, and an additional provision that the president of the state college shall serve as principal of the community college and in that capacity shall be responsible to the governing board through the superintendent of schools of the district if there is one. Otherwise he shall be responsible directly to the governing board.

SEC. 467. Section 25506.5 of the Education Code is amended to read:

25506.5. Community colleges or community college classes maintained in a high school district may be maintained for such period and at such times during the school year as the governing board of the high school district may determine.

SEC. 468. Section 25507 of the Education Code is amended to read:

25507. The governing board of any district maintaining a community college may provide for the maintenance of community college classes on Saturday.

SEC. 469. Section 25507.5 of the Education Code is amended to read:

25507.5. The governing board of any community college district in which is located a high school district required to maintain only one or more junior high schools, may establish and maintain special continuation education classes and, in such case, the governing board of the high school district shall not be required to establish and maintain any such classes under any other provisions of this code.

Special continuation education classes established and maintained under this section shall be deemed to be established and maintained by the governing board of the high school district for all the purposes of Sections 5951 to 5956, inclusive, and Sections 12551 to 12759, inclusive, of this code.

SEC. 470. Section 25508 of the Education Code is amended to read:

25508. The governing board of any school district which maintains a community college may conduct community college classes and acquire the necessary property and erect the necessary buildings therefor, outside of the boundaries of the school district if all of the following conditions exist:

(a) The proposed location is within the state.

(b) The activities, trades, businesses, or work to be carried on at the proposed location is such as to offer educational opportunities to students who are residents of the district in the subject or all of the subjects proposed to be taught at that location, and facilities for such instruction are not available either at the location of the principal buildings of the community college, or elsewhere within the district.

SEC. 471. Section 25508.5 of the Education Code is amended to read:

25508.5. The governing board of any district, maintaining a community college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

(a) The governing board of a high school district, not a part of a district maintaining a community college, with the approval of the county board of education of the county having jurisdiction over the high school district, requests that community college classes be offered in the high school district.

(b) The district, maintaining the community college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

SEC. 472. Section 25509 of the Education Code is amended to read:

25509. The governing board of any school district maintaining a community college may conduct community college classes for students who are residents of the district and utilize existing facilities necessary therefor outside of the boundaries of the district if the district is unable to construct adequate facilities within the district because of the failure of the electors of the district to authorize the issuance of bonds for such purpose at an election held for such purpose and if the district is unable to obtain adequate facilities within the district with the funds available to the district for such purpose.

SEC. 473. Section 25509.5 of the Education Code is amended to read:

25509.5. The governing board of any district which maintains a community college may establish and maintain community college classes outside of the state, comprising a part of an aircraft pilot training program conducted by the district under an agreement with the federal government or any agency thereof, during the time that it is unlawful by reason of any law or order of the federal government or any agency thereof for such classes to be maintained within the district.

The governing board may make such expenditures and do such things in connection with the establishment and maintenance of classes under this section as it could do were the classes established and maintained within the district.

SEC. 474. Section 25510 of the Education Code is amended to read:

25510. The State Board of Education shall adopt rules and regulations fixing minimum standards entitling districts to receive state aid for the support of community colleges.

SEC. 475. Section 25510.5 of the Education Code is amended to read:

25510.5. The State Department of Education shall annually investigate each community college to determine whether it has met the standards. As part of such investigation, representatives of the department may participate in the accreditation visits conducted by the regional accrediting agency, and one representative of the department, who may be appointed by

the Superintendent of Public Instruction, may serve as a member of the accrediting commission which accredits the public community colleges.

SEC. 476. Section 25511.5 of the Education Code is amended to read:

25511.5. The governing board of a district maintaining one or more community colleges may maintain a summer school at any of such community colleges during the period between the close of one academic year and the beginning of the succeeding academic year in accordance with rules and regulations of the State Board of Education and with the prior written approval of the Superintendent of Public Instruction.

The term "academic year" as used in this section means that portion of the school year during which the regular day community college is maintained, which period must include not less than the number of days of teaching required to entitle the district to apportionments of state funds.

SEC. 477. Section 25512 of the Education Code is amended to read:

25512. Any student political organization which is affiliated with the official youth division of any political party that is on the ballot of the State of California may hold meetings on a community college campus and may distribute bulletins and circulars concerning its meetings, provided that there is no endorsement of such organization by the school authorities and no interference with the regular educational program of the school.

SEC. 478. Section 25513 of the Education Code is amended to read:

25513. The principal of any two-year community college may admit 11th and 12th grade students to vocational education classes maintained for such pupils who may profit from the instruction and are recommended by the high school principal, provided:

(a) The high school students are enrolled in a high school within the community college district.

(b) A contract is entered into between the governing board of the district maintaining the high school and the district maintaining the community college for the payment of the current expense to the community college district incurred on account of such attendance.

(c) Notwithstanding the provisions of Section 11251 of this code, the hours of attendance of such students is credited to the high school district of enrollment but in no case shall the credited hours of attendance of a student in both attendance centers exceed one day of attendance on any one calendar day.

(d) Scholastic credit for courses completed is at the high school level.

For the purposes of this section, such vocational education classes may be considered to be classes maintained by the high

school within the boundaries of the district maintaining the high school.

SEC. 479. Section 25514 of the Education Code is amended to read:

25514. Notwithstanding any provision in this code to the contrary, the governing board of any school district maintaining a high school and the governing board of a community college district may enter into a contract, subject to the approval of the Superintendent of Public Instruction, for the education of community college students in vocational education classes to be conducted for such students by the district maintaining the high school. The average daily attendance of community college students enrolled in such classes, under the provisions of this section, shall be credited to the community college district and college credit may be granted students who satisfactorily complete the course of instruction in such classes.

SEC. 480. Section 25514.5 of the Education Code is amended to read:

25514.5. Any minor student, any student 21 years of age or over and under 25 years of age who has been honorably discharged or is otherwise returning from active or inactive military service with the armed forces of the United States, and any student under 21 years of age but declared to be an adult pursuant to Section 25 of the California Civil Code by virtue of marriage while over 18 years of age, who resides in this state and more than ninety (90) miles from the nearest public community college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his home and such attendance center, may at his request attend grades 13 and 14 at any public community college in the state, whether or not his residence is in a district maintaining a community college. The governing board of the district maintaining such community college designated by the student shall admit the student provided he otherwise qualifies for admission.

The provisions of the preceding paragraph of this section shall be inapplicable to any student residing in a district maintaining a community college if the Superintendent of Public Instruction determines that such district maintains adequate dormitories or housing facilities or provides adequate transportation for such student between his home and the community college attendance center.

If the student resides in a district maintaining a community college, the provisions of Article 7 (commencing with Section 10801) of Chapter 1 of Division 9 shall be inapplicable, and the district of the student's residence shall pay to the district of the student's attendance an amount on account of such attendance computed pursuant to Section 20201. The computation shall be made and other procedures shall be undertaken in accordance with such requirements as may be prescribed by the Superintendent of Public Instruc-

tion, by or under authority of the governing board of the school district of attendance, and shall be approved by the county superintendent of schools having jurisdiction of such district with the certification of the amount owing to be transmitted by him to the district of the student's residence. The governing board of the district of residence shall, on or before June 1st, order payment of the amount computed as owing the district of attendance for the fiscal year, and upon failure of the governing board so to do, the county superintendent of schools having jurisdiction of the district shall draw a requisition against the funds of the district in favor of the district of attendance in payment of such amount and transmit the same to the district of attendance. For purposes of all provisions of this code dealing with allowances and apportionments from the State School Fund for support of community colleges, the district of the student's residence and the district of his attendance shall be deemed to have entered into an interdistrict attendance agreement with respect to the student.

If the student resides within territory not included within any community college district the provisions of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 shall be applicable.

In addition to the payments required under the preceding paragraphs of this section, there shall be paid to the parents or other persons having charge or control of such minor student at his residence and directly to the student who qualifies as such a former or returning adult serviceman or as such a married minor, by the district in which the pupil attends, a maintenance allowance of one dollar and fifty cents (\$1.50) per calendar day for the period in which the student is enrolled full time in regular classes in a community college under this section. Such amount shall be paid on or before the 15th day after the close of the school year in which the student was so enrolled. Such payments made by a district maintaining a community college at which the pupil attends shall be included in that district's transportation expense as payments made in lieu of providing for transportation of pupils between their homes and regular full-time day schools, for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14; and the amount thereof not reimbursed by the state shall be included in the computation of the amount to be paid by the district of the student's residence, or the community college tuition fund, as the case may be.

For purposes of this section, a person shall be deemed to be honorably discharged from the armed forces (a) if he was honorably discharged from the armed forces of the United States or (b) if he was inducted into the armed forces of the United States under the "Universal Military Training and Service Act," and (1) satisfactorily completes his period of training and service under such act and is issued a certificate to that effect pursuant to such act, or (2) having served honorably on active duty was transferred to a reserve component of

the armed forces of the United States pursuant to such act, or (3) was otherwise released pursuant to such act under honorable conditions.

For the purposes of this section, the term "armed forces of the United States" shall include all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, and all components of the Coast Guard.

SEC. 481. The heading of Article 2 (commencing with Section 25515) of Chapter 3 of Division 18.5 of the Education Code is amended to read:

Article 2. Community College Courses of Study

SEC. 482. Section 25515 of the Education Code is amended to read:

25515. The course of study for grades 11 and 12 of a four-year community college shall be designed to meet the needs of pupils of the 11th and 12th grades of the public schools and shall be designed to meet the requirements of Article 3 (commencing with Section 8571) of Chapter 3 of Division 7 so that upon completion of grade 12 any pupil will have completed the courses required by that article.

SEC. 483. Section 25515.5 of the Education Code is amended to read:

25515.5. A course of study for each community college shall be prepared under the direction of the governing board of the district maintaining the community college and shall be subject to the approval of the State Board of Education.

SEC. 484. Section 25516 of the Education Code is amended to read:

25516. The course of study for two-year community colleges shall be designed to fit the needs of pupils of the 13th and 14th grades and may include courses of instruction designed to prepare for admission to the upper division of higher institutions of learning and such other courses of instruction designed to prepare persons for agricultural, commercial, homemaking, industrial and other vocations, and such courses of instruction as may be deemed necessary to provide for the civic and liberal education of the citizens of the community.

SEC. 485. Section 25516.5 of the Education Code is amended to read:

25516.5. No state funds shall be apportioned to any district on account of the attendance of students enrolled in community college courses unless the courses have been approved by the State Board of Education.

SEC. 486. Section 25517 of the Education Code is amended to read:

25517. The governing board of each district maintaining a community college shall prescribe requirements for graduation from community college courses.

SEC. 487. Section 25517.5 of the Education Code is amended to read:

25517.5. The minimum requirement for graduation from a two-year community college course of study shall be at least 60 credit hours of work.

SEC. 488. Section 25518 of the Education Code is amended to read:

25518. The minimum requirement for graduation from a four-year community college course of study shall be at least 120 credit hours of work.

SEC. 489. Section 25518.5 of the Education Code is amended to read:

25518.5. One credit hour of community college work is approximately three hours of recitation, study, or laboratory work per week throughout a term of 16 weeks. Where a term is more or less than 16 weeks more or less than one credit hour shall be allowed in the same ratio that the length of the term is to 16 weeks.

SEC. 490. Section 25518.6 of the Education Code is amended to read:

25518.6. To the extent of and subject to such requirements as the State Board of Education may, by regulation prescribe, the governing board of a district maintaining a community college may grant credit to any student based on examinations approved and conducted by proper authorities of the college.

SEC. 491. Section 25519 of the Education Code is amended to read:

25519. The governing boards of districts maintaining community colleges are urged to design courses including air transportation, vocational education, career opportunities in civil and military aviation, technical training, flight experience, and ground instruction in localities where the needs of the youth in these communities warrant such a course in these schools.

SEC. 492. Section 25520 of the Education Code is amended to read:

25520. All pupils enrolled in the community colleges, except pupils excused, shall be required to attend upon the courses of physical education for a minimum of 120 minutes per week. Where adequate facilities are available a daily program is recommended.

SEC. 493. The heading of Article 3 (commencing with Section 25522) of Chapter 3 of Division 18.5 of the Education Code is amended to read:

Article 3. Accreditation of Community Colleges

SEC. 494. Section 25522 of the Education Code is amended to read:

25522. The governing board of a district maintaining a community college may pay the costs of accreditation of the

community colleges within the district by the regional accrediting association serving California.

(a) On each accrediting commission for community colleges, there shall be a representative of the State Department of Education appointed by the Superintendent of Public Instruction.

(b) On each visiting team assigned by the accrediting association to review the program and facilities of a California community college, there shall be a representative of the State Department of Education appointed by the Superintendent of Public Instruction, except when illness or other emergency prevents such representative from serving and there is not sufficient time for the superintendent to appoint a replacement.

SEC. 495. Section 25523 of the Education Code is amended to read:

25523. The provisions of Section 25522 do not prohibit the governing board of a district maintaining a community college from paying the costs for accreditation by other accrediting agencies recognized by the United States Department of Health, Education, and Welfare, Office of Education.

SEC. 496. Section 25524.7 of the Education Code is amended to read:

25524.7. Definitions:

(a) "Board" means the Board of Governors of the California Community Colleges as created by Chapter 1.5 (commencing with Section 185) of Division 2.

(b) "District" means any school district in California that maintains one or more community colleges.

(c) "College" means a community college established by the governing board of a school district authorized to provide community college instruction.

(d) "Extended opportunity program" means a special program or method of instruction designed to facilitate the language, educational or social development of a student and increase his potential for success in the college.

(e) "Extended opportunity services" means a program of assistance designed to aid students with socioeconomic handicaps to permit them to enroll in and participate in the educational activities of the college.

SEC. 497. The heading of Chapter 4 (commencing with Section 25530) of Division 18.5 of the Education Code is amended to read:

CHAPTER 4. COMMUNITY COLLEGE PROPERTY

SEC. 498. Section 25530 of the Education Code is amended to read:

25530. The governing board of any district maintaining a community college, when in its judgment necessity therefor exists, may construct and maintain dormitories in connection with any community college within the district for use and

occupancy by pupils in attendance at the community college, and shall fix the rates to be charged the pupils for quarters in the dormitories.

SEC. 499. Section 25531 of the Education Code is amended to read:

25531. If satisfactory quarters in a suitable location are offered at a rental which makes it advisable to accept them, the governing board of the community college may lease the quarters for a period not to exceed three years.

At the expiration of the lease or other arrangement, the board may continue to renew said lease or other arrangement, for a period not to exceed three years and may continue to renew for periods not to exceed three years as long as the facilities are needed.

SEC. 500. Section 25531.5 of the Education Code is amended to read:

25531.5. Whenever the cafeteria in any community college is used as a laboratory or classroom for the quantity preparation of food, the governing board may make such financial and administrative arrangements as it may see fit to cover the use of the cafeteria as a laboratory or classroom and the disposition or sale of the food prepared.

SEC. 501. Section 25531.6 of the Education Code is amended to read:

25531.6. The governing board of any district maintaining a community college, if the board determines it to be necessary or advisable, may construct and maintain student centers, student union or activity buildings or facilities, vehicle parking facilities, health service facilities, bookstores or other auxiliary facilities for use by students or faculty members of the community college or employees of the district.

SEC. 502. Section 25531.7 of the Education Code is amended to read:

25531.7. Notwithstanding any of the provisions of Article 2 (commencing with Section 16051) of Chapter 2 of Division 12 to the contrary, the governing board of any school district maintaining a community college may lease real property owned by the school district to a student body organization established pursuant to Section 10701, upon such terms and conditions as the board may determine, for use as a student center, student union or activity building or facility, food service facility, health service facility, bookstore or any combination of such facilities. Such a student body organization may agree to lease real property pursuant to this section.

SEC. 503. Section 25540 of the Education Code is amended to read:

25540. Four-year community colleges shall be financed in the same manner and from the same funds as provided for the financing of two-year community colleges. The provisions of Sections 20201 to 20209, inclusive, of this code relating to the Community College Tuition Fund shall not be applicable in the case of pupils attending the 11th and 12th grades in any

four-year community college except in the case of pupils who reside in an elementary school district not situated in a high school district.

SEC. 504. Section 25540.5 of the Education Code is amended to read:

25540.5. The State Board of Education shall provide for a uniform system of accounting for all community colleges and shall by rule and regulation define and establish methods for accounting for revenues and expenses for community college purposes in community college districts, high school districts, and unified districts maintaining community colleges.

SEC. 505. Section 25541 of the Education Code is amended to read:

25541. The governing board of each district maintaining a community college shall report annually the revenues and expenses of the district for community college purposes in accordance with rules and regulations of the State Board of Education and on forms furnished by the Superintendent of Public Instruction.

SEC. 506. Section 25541.5 of the Education Code is amended to read:

25541.5. The maximum rate of tax of any community college district and of any unified school district maintaining a community college is hereby increased by such amount as will produce the amount proposed to be expended by the district pursuant to any interdistrict attendance agreement and is hereby increased by such amount and will produce the amount proposed to be expended by the district pursuant to any lease agreement for plant and equipment as shown by the budget as finally adopted by the governing board of the district for the current fiscal year, less any unencumbered balances remaining at the end of the preceding fiscal year derived from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed the rate of tax levied in the county pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of the property within the district, whichever is the greater.

If the district is situated in two or more counties, the increase provided by this section shall not exceed the highest rate of tax levied in any of the counties in which the district is situated pursuant to Section 20202 during the fiscal year next preceding the formation of the district for all purposes, or ten cents (\$0.10) per each one hundred dollars (\$100) of the assessed value of property within the district, whichever is the greater.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the payment of any obligation

incurred under the terms of an interdistrict attendance agreement for such school year.

Any community college district or unified school district maintaining a community college which became effective for all purposes on or after July 1, 1956, shall be deemed, for the purposes of this section except the last paragraph of this section, to have been effective for all purposes on July 1, 1958.

The increases provided by this section to produce the amounts proposed to be expended pursuant to this section shall remain in effect until the end of the third consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, or until the end of any four-year period in which no bond issue is submitted to the voters.

SEC. 507. Section 25541.7 of the Education Code is amended to read:

25541.7. (a) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, in community college districts in which such seventh consecutive year expires on July 1, 1971.

(b) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fifth consecutive fiscal year following the date of the first election at which the first district bond issue for community college purposes is passed, in community college districts in which such fifth consecutive fiscal year expires on July 1, 1971.

SEC. 508. Section 25542 of the Education Code is amended to read:

25542. Whenever the excess tax rate authorized by the voters of a single high school district of any type at an election prior to the formation of a community college district, the boundaries of which are coterminous with the boundaries of the high school district and which districts are governed by governing boards of identical personnel, is continued at the option of the governing boards of said districts as the maximum combined rate of both of said districts for combined high school and community college purposes pursuant to Section 25445 of this code and the boundaries of such high school and community college districts thereafter become noncoterminous as a result of any community college district organization proceedings pursuant to this chapter or otherwise, such excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of said district for high school purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district and so continued pursuant to said Section 25445 of this code.

SEC. 509. Section 25542.5 of the Education Code is amended to read:

25542.5. When a high school district or unified school district ceases to maintain a community college by virtue of its inclusion in a new or reorganized community college district established so as to be effective for all purposes pursuant to Section 1601 on or after July 1, 1961, any balances remaining in the general fund and special reserve fund of the high school district or unified district at the end of the last year in which the district maintained a community college shall be divided between such district and the community college district in the following manner:

(a) The balance remaining in the general fund shall be divided in the same ratio that the expenditures from that fund for community college purposes for the last year in which the community college was maintained bear to the total expenditures of the district during that year. The amount so allocable to the community college district shall be transferred to, and deposited in, the general fund of that district.

(b) The balance remaining in the special reserve fund deposited there by the district governing board to be used for community college purposes, shall be transferred to the community college district and deposited in the special reserve fund of that district.

SEC. 510. Section 25543 of the Education Code is amended to read:

25543. It is the intent and purpose of the Legislature by this article to particularly implement the provisions of Section 197 of this code in connection with the allowance, apportionment and disbursement of moneys from the State School Fund for support of the public community colleges. The Board of Governors of the California Community Colleges shall succeed to all of the duties, powers, purposes, responsibilities, and jurisdiction essential to the performance of that function theretofore vested in the State Board of Education, the Department of Education, and the Superintendent of Public Instruction, except that the Superintendent of Public Instruction shall compute all allowances and apportionments to be made and certify the computations to the State Controller and the Board of Governors.

SEC. 511. Section 25543.01 of the Education Code is amended to read:

25543.01. Except with respect to district assessed valuation levels and tax rates, which shall continue to be reported directly to the Superintendent of Public Instruction by county authorities pursuant to Section 17701 of this code and any other applicable provisions of law, the Board of Governors shall have the power and responsibility of making determinations concerning all other essential factors and certifying the same to the Superintendent of Public Instruction. For such purposes the powers and responsibilities of the Board of Governors shall extend to, but shall not necessarily be limited to, the following:

(a) To determine the average daily attendance in the community college schools pursuant to Article 5 (commencing with Section 11451) and Article 6 (commencing with Section 11501) of Chapter 3 of Division 9, to secure all district reports necessary for those purposes, including those provided for by such statutory provisions and by Sections 17601.1 and 17601.2, and to classify such average daily attendance for all purposes of Chapter 3 (commencing with Section 17601) of Division 14.

(b) To prescribe the form of, receive, and approve or disapprove all applications for apportionments to newly formed community college districts provided for by Article 4 (commencing with Section 17451) of Chapter 2 of Division 14.

(c) To administer and make all determinations required by Article 5 (commencing with Section 17501) and Article 6 (commencing with Section 17551) of Chapter 2 of Division 14, insofar as the same may be applicable to the maintenance of community colleges by school districts, and to receive all reports, data, and information necessary for such purposes.

(d) To determine the amount of "federal funds" and "miscellaneous funds," as defined in Sections 17605 and 17606, received by a school district and allocable to the community college schools maintained by the district, and to receive all reports, data, and information necessary for such purposes.

(e) To make all determinations concerning the factors constituting transportation of pupils and the current expenses for the transportation of pupils in the public community colleges for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14, and to receive all reports, data, and information necessary for such purposes.

Sec. 512. The heading of Article 2 (commencing with Section 25545) of Chapter 5 of Division 18.5 of the Education Code is amended to read:

**Article 2. The Community College Revenue
Bond Act of 1961**

Sec. 513. Section 25545 of the Education Code is amended to read:

25545. This article may be cited as "the Community College Revenue Bond Act of 1961."

Sec. 514. Section 25545.01 of the Education Code is amended to read:

25545.01. The governing board of any school district maintaining a community college may issue revenue bonds pursuant to this article.

Sec. 515. Section 25545.02 of the Education Code is amended to read:

25545.02. The following terms wherever used or referred to in this article, or in any indenture entered into pursuant hereto, shall have the following meanings, respectively, unless a different meaning appears from the context:

(a) "Board" means the governing board of a school district maintaining a community college.

(b) "Community college" means a community college maintained by the school district issuing bonds under this article.

(c) The term "project" means any one or more dormitories or other housing facilities, boarding facilities, student union or activity facilities, vehicle parking facilities or any other auxiliary or supplementary facilities for individual or group accommodation, owned or operated or authorized to be acquired, constructed, furnished, equipped and operated by the board for use by students, faculty members or other employees of any one or more community colleges, or a combination of such facilities, which may include facilities already completed and facilities authorized for future completion, designated by the board as a project in providing for the issuance of revenue bonds.

(d) The term "bonds" or "revenue bonds" means the written evidence of any obligation issued by the board, payment of which is secured by a pledge of revenues or any part of revenues, as provided in this article, in order to obtain funds with which to carry out the purposes of this article, irrespective of the form of such obligations.

(e) The term "revenues" means and includes any and all fees, rates, rentals and other charges received or receivable in connection with, and any and all other incomes and receipts of whatever kind and character derived by, the board from the operation of or arising from a project, including any such revenue as may have been or may be impounded or deposited in any fund in the county treasury created by this article for the security of any revenue bonds issued hereunder, or for the purpose of providing for the payment thereof or the interest thereon.

(f) The "holder of bonds" or "bondholder" or any similar terms shall mean any person who shall be the bearer of any outstanding revenue bond or bond registered to bearer or not registered or the registered owner of any such outstanding revenue bond or bond which shall at the time be registered other than to bearer.

(g) The term "indentures" means an agreement entered into by the board pursuant to which revenue bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the board or by other instrument.

(h) The term "person" includes any individual, firm, corporation, association, copartnership, trust, business trust or receiver or trustee or conservator for any thereof, but does not include this state or any public corporation, political subdivision, city, county, district or any agency thereof or of this state.

(i) "County treasurer" means the treasurer of the county in which all or a majority of the assessed valuation of the district lies at the time bonds are issued under this article.

(j) "County" means the county, or city and county, in which all or a majority of the assessed valuation of the school district lies at the time bonds are issued under this article.

SEC. 516. Section 25545.25 of the Education Code is amended to read:

25545.25. The county treasurer shall act as trustee for the board and the holders of bonds issued hereunder, and the board may authorize the trustee to act on behalf of the holders of the bonds, or any stated percentage thereof, and to exercise and prosecute on behalf of the holders of the bonds such rights and remedies as may be available to the holders. The board may provide in the indenture for the deposit of all revenues received from the project with such trustee to be held in a separate account in the community college dormitory revenue fund of the district created by this article. The money in such fund shall be disbursed only as provided in the indenture.

SEC. 517. Section 25545.61 of the Education Code is amended to read:

25545.61. The proceeds from the sale of all bonds authorized under the provisions of this article shall be deposited forthwith by the county treasurer, on order of the county auditor, in the county treasury to the credit of a fund to be designated as the community college dormitory construction fund of the district, which fund is hereby created in each county treasury for each school district in the county issuing bonds pursuant to this article. The money in such construction fund shall be expended, pursuant to claims filed by the board with the county auditor, for the purposes authorized by this article, or as provided in the indenture, and for such other purposes, subject to the restrictions provided by law or by the indenture, as may be authorized by resolution of the board. Moneys required to meet the costs of acquisition or construction and all expenses and costs incidental to the acquisition, construction, furnishing and equipping of any project authorized by this article shall be paid from the said construction fund as herein provided upon claim filed by the board and after audit by the county auditor in the manner provided by law and upon warrants drawn by the county auditor.

SEC. 518. Section 25545.63 of the Education Code is amended to read:

25545.63. For the payment of the principal and interest of the bonds authorized to be issued under this article, an interest and redemption fund is hereby created in each county treasury for each school district issuing bonds under this article, to be designated the community college dormitory interest and redemption fund of the district. From the money deposited in the community college dormitory construction fund of the district, the county treasurer, on order of the county auditor, shall transfer to the community college dormitory interest and redemption fund of the district such sums as may be required to pay the interest as it becomes due on all

bonds sold and outstanding for the construction or acquisition of a particular project of the district authorized under this article during the period of actual construction or acquisition thereof and during such period thereafter as may be provided in the indenture or authorized by resolution of the board. The county treasurer, on order of the county auditor, shall thereafter transfer from the community college dormitory revenue fund of the district to the community college dormitory interest and redemption fund of the district such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued under the provisions of this article.

SEC. 519. Section 25545.65 of the Education Code is amended to read:

25545.65. Moneys in the community college dormitory construction fund of each district may be invested by the board, subject only to such limitations as may be provided in an indenture providing for the issuance of revenue bonds. All securities or other investments made under the provisions of this article shall be held by the county treasurer as custodian thereof. All interest or other earnings received pursuant to such investments shall be collected by the county treasurer, and, on order of the county auditor, shall be deposited in the county treasury to the credit of the fund from which such interest or other earnings are derived.

SEC. 520. Section 25545.66 of the Education Code is amended to read:

25545.66. After all of the revenue bonds shall have been fully paid and discharged, or provision for their payment and discharge irrevocably made, any surplus moneys in the community college dormitory construction fund of a district shall, subject to the limitations and restrictions in any indenture providing for the issuance of the revenue bonds, remain available for the acquisition of sites for, and for the construction, equipping and furnishing of, buildings for community colleges maintained by the district.

SEC. 521. The heading of Chapter 7 (commencing with Section 25546.01) of Division 18.5 of the Education Code is amended to read:

CHAPTER 7. COMMUNITY COLLEGE FACILITY CONSTRUCTION LAW OF 1963

SEC. 522. Section 25546.01 of the Education Code is amended to read:

25546.01. The Legislature hereby declares that it is in the interest of the state and of the people thereof for the state to provide assistance to community college districts for the construction of community college facilities. The community college system is of general concern and interest to all the people of the state and the education of community college students

is a joint obligation and function of both the state and community college districts.

In adopting this act, the Legislature considers that the greatest need is to provide community college facilities that will be required to house the great increase of community college students resulting from growth in population and from legislative policies expressed through implementation of the Master Plan for Higher Education.

SEC. 523. Section 25546.02 of the Education Code is amended to read:

25546.02: Definitions:

(a) "Community college district" means any district maintaining a community college that is effective for all purposes on July 1, 1963.

(b) "Department" means the Department of Education.

(c) "Project" means the purposes for which a community college district has applied for assistance under this chapter. A project may include the acquisition and improvement of community college sites, the planning and construction of permanent community college facilities, and the acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, or single-purpose auditoriums.

(d) "Unit of average daily attendance" means a unit of average daily attendance during the preceding fiscal year in a graded class in grade 13 or 14 exclusive of summer school of a community college of pupils who are residents of the applicant district and who are not adults as defined in Section 6352.

(e) "The average cost of providing community college facilities" means the cost per unit of average daily attendance housed in community college facilities constructed during the two preceding years as determined by the department after consultation with the Division of Architecture.

SEC. 524. Section 25546.04 of the Education Code is amended to read:

25546.04. Any community college district may apply for assistance under this chapter to undertake one or more projects, on or before December 1, 1963.

SEC. 525. Section 25546.06 of the Education Code is amended to read:

25546.06. The estimated units of average daily attendance in growth for a two-year period means the sum of 5 percent of the total units of average daily attendance as defined in subdivision (d) of Section 25546.02 in the district in each of the 1961-62 and 1962-63 fiscal years.

For the purposes of this section, the estimated units of average daily attendance in growth of a community college district that was not in existence for all purposes for two years prior to July 1, 1963, shall be determined by the Department of Education by computing 10 percent of 42 percent of the sum of the enrollments of the 12th grade on October 31, 1961, and October 31, 1962, in all high school or unified districts which

on the date the estimate is made are contained in the community college district. For the purposes of this section a newly formed district which includes a district which maintained a community college shall not be deemed to be a new district.

SEC. 526. Section 25546.07 of the Education Code is amended to read:

25546.07. Present average daily attendance means the number of units of average daily attendance of nonresident students in attendance in the graded community college classes of the district plus the average daily attendance of students in graded community college classes who are residents of the applicant district excluding the attendance of adults as defined by Section 6352 and the attendance in summer school during the last completed year preceding the deadline date for making the application.

For the purposes of this section the present average daily attendance of a community college district which has not maintained graded community college classes in any of the years preceding the deadline date for making application shall be determined by the department on the basis of the October report of enrollment of such district and in accordance with rules and regulations of the department which it is herewith authorized to adopt.

SEC. 527. Section 25546.08 of the Education Code is amended to read:

25546.08. A two-year projection of average daily attendance means the difference between present average daily attendance as defined in Section 25546.07 and the number of units of average daily attendance of such students in graded classes, excluding adults as adults are defined in Section 6352 and the attendance in summer school, reported for the year during the preceding two years in which the least number of units of average daily attendance were reported, multiplied by the ratio of average daily attendance of resident students to present average daily attendance.

For any district that has not maintained graded community college classes during all of the three fiscal years preceding the date of making the application, a two-year projection of average daily attendance means twice the difference between present average daily attendance as defined in Section 25546.07 and the number of units of average daily attendance of such students in graded classes, excluding adults as adults are defined in Section 6352 and the attendance in summer school, reported for any of the three fiscal years preceding the date of making the application, or the quotient of 1 percent of the assessed valuation of the district and the average cost of providing community college facilities during the two preceding years as determined by the department after consultation with the Division of Architecture, whichever is greater, multiplied by the ratio of average daily attendance of resident students to present average daily attendance. For the purposes of this section a newly formed district which

includes a district which maintained a community college shall not be deemed to be a new district.

SEC. 528. Section 25546.10 of the Education Code is amended to read:

25546.10. For each community college district eligible to receive a tentative entitlement, the department, within 30 days after the deadline date for submitting applications, shall compute an entitlement by:

(a) Dividing the average assessed valuation per estimated unit of average daily attendance in growth for a two-year period in all community college districts in the state eligible to receive a tentative entitlement by the assessed valuation per estimated unit of growth for a two-year period in the district as determined by Section 25546.06.

(b) Multiplying the quotient derived under subdivision (a) by the estimated units of average daily attendance in growth for a two-year period in the district as determined by Section 25546.06.

(c) Multiplying the product derived for each community college district under subdivision (b) by one-fourth of the average cost of providing community college facilities. If the total of these products is more than ten million dollars (\$10,000,000), it shall be deemed to be only ten million dollars (\$10,000,000) and adjustments made for each community college district.

(d) Dividing the average assessed valuation per unit of the two-year projection of average daily attendance in all community college districts in the state eligible to receive a tentative entitlement by the assessed valuation per unit of the two-year projection of average daily attendance in the district as determined by Section 25546.08. It is further provided that all equalization factors below .5 shall be deemed to be .5 and all equalization factors above 3.0 shall be deemed to be 3.0.

(e) Multiplying the quotient derived under subdivision (d) by the two-year projection of average daily attendance in the district as determined by Section 25546.08.

(f) Computing the total of the products derived under subdivision (e) for each community college district.

(g) Dividing the difference between twenty million dollars (\$20,000,000) and the total of the products derived under subdivision (c) by the total of the products derived under subdivision (f).

(h) Multiplying the quotient derived under subdivision (g) by the product derived under subdivision (e).

(i) Computing the total for each community college district of the products derived under subdivision (c) and subdivision (h).

This total is the maximum tentative entitlement for each community college district and shall constitute a reservation of funds for each eligible applicant district.

SEC. 529. Section 25546.11 of the Education Code is amended to read:

25546.11. The amount of funds reserved for a district shall be continued in reservation until the district is qualified to receive an allocation of funds, but not longer than 54 months after the deadline date fixed by law for filing the applications.

Notwithstanding any provisions of this chapter to the contrary, an entitlement computed for a community college district under Section 25546.10 may be transferred upon request of that district by the department to a community college district which was formed subsequent to the computation of entitlements under Section 25546.10 and which includes all of the territory of the district requesting the transfer.

SEC. 530. Section 25546.115 of the Education Code is amended to read:

25546.115. Notwithstanding any provision of this chapter to the contrary, an entitlement computed under Section 25546.10 for a unified, high school, or community college district maintaining a community college at the time it made application for the entitlement, may be transferred by the Superintendent of Public Instruction, upon request, to a subsequently formed community college district which includes within its boundaries the unified, high school, or community college district which made the application for the entitlement.

SEC. 531. Section 25546.12 of the Education Code is amended to read:

25546.12. Each community college project for which a reservation of funds is made shall be financed with both state and local funds. The amount of local funds contributed to each project for which application is made by a district shall be at least the difference between the greater of the estimated units of average daily attendance in growth determined for the district under Section 25546.06 and the two-year projection of average daily attendance determined for the district under Section 25546.08 multiplied by the average cost of providing community college facilities, and the total of the funds reserved for the district under subdivision (i) of Section 25546.10, except that the amount of local funds need not exceed three times the amount of state funds in the project. Where a district has become effective for all purposes as of July 1, 1960, and has been formed as a new district to include seventy-five percent (75%) or more of the territory of a county, and has, since becoming effective, authorized bonds equal to one percent (1%) or more of the assessed valuation of the district, and has spent or committed such bond funds for community college facilities, then the amount of local funds need not exceed the amount of state funds in the project.

SEC. 532. Section 25546.16 of the Education Code is repealed.

SEC. 533. Section 29003 of the Education Code is amended to read:

29003. A corporation may be formed pursuant to this article (commencing at Section 29001) for the purpose of establishing, conducting, and maintaining an educational institution offering courses of instruction beyond high school, and issuing or conferring a diploma. Such institutions shall include, but not be limited to seminaries of learning, specialized educational institutions, community colleges, colleges, and universities, offering courses beyond high school.

SEC. 534. Section 29016 of the Education Code is amended to read:

29016. No person, firm, association, partnership, or corporation shall use or allow the use of any reproduction or facsimile of the Great Seal of the state on any diploma.

This section does not apply to the University of California or to any school, community college or state college which is a part of the public school system.

SEC. 535. Section 31206 of the Education Code is amended to read:

31206. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year community college or four-year college course and is accredited by the Western Association of Schools and Colleges. Nothing contained in this chapter (commencing at Section 31201) shall be interpreted to require any such institution to admit into such institution, or once admitted to continue in such institution, an award winner.

SEC. 536. Section 31208 of the Education Code is amended to read:

31208. The membership of the commission shall be as follows:

- (a) Three representatives of private institutions of collegiate grade located in California;
- (b) One representative of the University of California;
- (c) One representative of state colleges located in California;
- (d) One representative of public community colleges located in California;
- (e) Three representatives who shall be lay citizens of California, one of whom shall be a member of the governing board of a school district which includes at least one secondary school.

There shall not at any time be two or more persons serving as members of the commission who are professionally affiliated with, or hold a baccalaureate degree from, or are employed by, or serve as a member of the governing board of, the same institution of collegiate grade located in California.

SEC. 537. Section 31214.3 of the Education Code is amended to read:

31214.3. An individual who is awarded a competitive scholarship and enrolls in a public community college may

elect to have the scholarship held in trust for him for a period not to exceed two academic years, except that the commission may extend the period in which his scholarship may be held in trust up to a period of three academic years if, in the commission's judgment, the student's rate of academic progress has been as rapid as could be expected for the personal and financial conditions which the student has encountered. The commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31201). Upon receipt of the request the commission shall assess or reassess the financial needs of the award winner. The commission may prescribe the forms and procedures to be utilized for the purposes of this section. The commission may award to another eligible individual any scholarship being so held in trust, subject to the provisions of this section and any other conditions and restrictions that may be imposed by the commission, to the end that all authorized scholarships are being continually utilized. Following the first year for which any such scholarship is awarded, awards thereof shall be included in the number of the continuing scholarships available for any year and not the authorized new scholarships for the year.

SEC. 538. Section 31231 of the Education Code is amended to read:

31231. Scholarships shall be awarded to graduates of California high schools. There shall be 100 awards for the fiscal year 1960-61, 100 additional awards for the fiscal year 1961-62, 100 additional awards for the fiscal year 1962-63, and 100 additional awards for the fiscal year 1963-64. For each fiscal year thereafter the state agricultural scholarship program shall consist of 400 awards. The administration of scholarships for the study of the science of agriculture shall be under the jurisdiction of the commission. No person shall be awarded a scholarship unless:

(a) He is a resident of California.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards.

(c) His course of study in high school shall have been directed toward preparation for work at the college level in the science of agriculture, or he is enrolled as an agricultural major at a community college or a four-year college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state agricultural scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of scholarships adopted pursuant to this chapter.

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 539. Section 31233 of the Education Code is amended to read:

31233. An individual who is awarded a competitive scholarship and enrolls in a community college, may elect to have the scholarship held in trust for him for a period not to exceed two years. The commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31230). The commission may prescribe the forms and procedures to be utilized for the purposes of this section.

SEC. 540. Section 31261 of the Education Code is amended to read:

31261. (a) The Legislature finds and declares that because of financial and home and community environmental conditions numerous students with substantial potential for success in college and for future leadership in the community are unable to pursue a higher education and attain their full educational potential. It further recognizes that to effectively combat the forces which prevent these students from pursuing a higher education different programs and methods must be tried. There is hereby created a state financial assistance program to be known as the "College Opportunity Grant Program." It is the purpose of this program to provide financial assistance for undergraduate study to disadvantaged students who are not necessarily able to avail themselves of present state competitive scholarships by the use of conventional selection methods, pursuant to Chapter 3 (commencing with Section 31201) of this division.

(b) The Legislature further recognizes that the role of the community colleges, as the least expensive level of California higher education, is a crucial role in increasing the higher education opportunities for disadvantaged students, and it is the intent of the Legislature that the additional opportunities for higher education provided pursuant to this chapter shall be initiated primarily on the public community college level.

SEC. 541. Section 31263 of the Education Code is amended to read:

31263. There shall be available up to 1,000 grants in each of the fiscal years 1969-70, 1970-71, 1971-72, and 1972-73, and the recipients of such grants shall be eligible for renewal of their awards until they have completed an A.B. degree or its equivalent in conformance with the terms prescribed by the State Scholarship and Loan Commission, which terms shall

not be in conflict with this chapter. Such grants may be awarded to eligible students who attend public community colleges for vocational purposes terminating with a two-year course of study.

SEC. 542. Section 31264 of the Education Code is amended to read:

31264. To be eligible for a grant under this chapter, a student shall meet all of the following:

(a) Be a disadvantaged student under criteria to be established by the State Scholarship and Loan Commission, which shall take into consideration those financial, educational, cultural, language, home, community, environmental, and other conditions which tend to make difficult the gaining access to and persisting in postsecondary programs.

(b) Be in need of financial assistance to attend college.

(c) Have demonstrated substantial potential for successfully participating at an institution of higher education and for future leadership in the community.

(d) Be a resident of the State of California, as defined in subdivision (a) of Section 31203.

(e) Be a citizen of the United States or have been admitted to permanent residence.

(f) Be admitted to and enroll in a California public community college either accredited by or accepted as a recognized candidate for accreditation by the Western Association of Schools and Colleges, or be admitted to and enroll in a California public or private college accredited by the Western Association of Schools and Colleges as a full-time undergraduate student.

(g) Maintain satisfactory progress toward a degree and eligibility as defined by the State Scholarship and Loan Commission.

SEC. 543. Section 31273 of the Education Code is amended to read:

31273. The purpose of the guaranteed loan program shall be as follows:

(a) To provide a source of credit to students who are residents of California to assist them in meeting educational costs at a community college, college, or university of their choice which is accredited by an accreditation association recognized by the United States Commissioner of Education for this purpose.

(b) To accept, receive and administer the funds provided under Title IV of the "Higher Education Act of 1965," and extensions thereof, or any similar act of Congress.

SEC. 544. Section 35004 of the Government Code is amended to read:

35004. No territory comprising lands owned by a community college district and acquired by such district prior to July 1, 1952, through a conveyance from the board of supervisors of the county in which such territory is situated pursuant to Section 25560 of the Government Code, shall be

annexed to, or become a part of, any city without the consent of the governing board of the community college district.

Anything in this code to the contrary notwithstanding, territory surrounding lands owned by a community college district and acquired by such district prior to July 1, 1952, pursuant to the provisions of Section 25560, may be annexed to a city.

SEC. 545. Section 54920 of the Government Code is amended to read:

54920. Notwithstanding the provisions of Sections 54902, 54903 and 54903.1 of this code, any community college district organized pursuant to Article 3.5 (commencing with Section 25450) of Chapter 2 of Division 18.5 of the Education Code, which formation was completed prior to February 1, 1964, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the district on or before the effective date of this section.

SEC. 546. Section 54927 of the Government Code is amended to read:

54927. Notwithstanding the provisions of Sections 54902, 54903 and 54903.1 of this code and Sections 1703 and 1704 of the Education Code, any annexation of a unified school district to a contiguous community college district effected pursuant to the provisions of Article 9 (commencing with Section 25470) of Chapter 2 of Division 18.5 of the Education Code which was completed prior to February 1, 1965, shall be effective for assessment and taxation purposes if the statement and map or plat required by Sections 54900 and 54901 is filed by the district on or before the effective date of this section.

SEC. 547. Section 500 of the Military and Veterans Code is amended to read:

500. The male students of any college, community college or high school in this state, having 100 or more such students, 14 years of age or over, may be organized into a cadet company or companies under such rules and regulations as the governing body of the schools or colleges and the Adjutant General of the State of California may prescribe. Said company or companies shall be of such strength as may be prescribed by the Adjutant General.

SEC. 548. Section 500.1 of the Military and Veterans Code is amended to read:

500.1. Except as hereinafter provided, each college, community college, high school and each senior high school in this state having 100 or more male students of 14 years of age or over and in which there is not maintained an R.O.T.C. unit shall establish a cadet company or companies under such rules and regulations as the governing body of the schools and the Adjutant General may prescribe, and any college, community college, high school or senior high school in the state having less than 100 of such students may establish a cadet company or companies. Said company or companies shall be of such strength as shall be prescribed by the Adjutant

General. A cadet company or companies is not required to be established in a high school, college or community college unless a number of qualified male students sufficient to constitute a company or companies of the strength prescribed by the Adjutant General voluntarily enroll therein.

SEC. 549. Section 501 of the Military and Veterans Code is amended to read:

501. Cadet companies shall at all times be under the guidance and control of the principal, president, director or chief administrative officer of the college, community college or high school, whose duty it shall be to make regulations with the approval of the Adjutant General regarding the moral, educational, and physical welfare of the cadets.

SEC. 550. Section 502 of the Military and Veterans Code is amended to read:

502. Upon recommendation of the school board having jurisdiction over the school and with the approval of the Adjutant General the Governor may appoint officers in the California Cadet Corps for duty in each college, community college or high school having one or more cadet companies. Except while on duty under orders of the Adjutant General such officers shall be under the immediate control and jurisdiction of the governing body of the college, community college or high school at which they are on duty. Each such officer shall hold his appointment at the pleasure of the Governor, or until his successor has been appointed and qualified or his connection with the cadets is severed. Said officers may be ordered by the Adjutant General to duty at encampments or exercises held or conducted by the California Cadet Corps and while on such duty said officers shall receive the same base pay without longevity as officers of similar grade in the United States Army and shall receive their expenses while on such duty. Such pay and expenses shall be taken from the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 551. Section 504 of the Military and Veterans Code is amended to read:

504. The Adjutant General shall provide by the adoption of rules and regulations for the formation of cadet battalions and shall adopt tables of organization and provide for the appointment of cadet battalion officers and staffs. All cadet battalion officers and noncommissioned officers shall be appointed, commissioned or warranted in accordance with rules and regulations adopted by the Adjutant General and upon the recommendation of the commandant of cadets with the approval of the president, director or other chief administrative officer or principal of the college, community college or high school.

SEC. 552. Section 505 of the Military and Veterans Code is amended to read:

505. The Adjutant General may in his discretion organize companies of the California Cadet Corps into battalions and regiments and each such battalion and regiment so organized

shall have a staff to consist of such cadet commissioned officers and cadet noncommissioned officers as may be prescribed by the Adjutant General. The Adjutant General may adopt tables of organizations for the battalions or regiments created hereunder and all cadet officers or cadet noncommissioned officers appointed, commissioned or warranted as staff or line cadet officers or cadet noncommissioned officers shall be selected upon the recommendation of the cadet commandant with the approval of the president, director or other chief administrative officer or principal of the college, community college or high school.

SEC. 553. Section 506 of the Military and Veterans Code is amended to read:

506. All cadet officers and noncommissioned officers shall be promoted according to rules and regulations adopted by the Adjutant General upon the recommendation of the commandant of cadets and with the approval of the president, chief administrative officer, director or principal of the college, community college or high school.

SEC. 554. Section 507 of the Military and Veterans Code is amended to read:

507. Any cadet commissioned officer or cadet noncommissioned officer may have his commission or warrant canceled and be reduced to the ranks, or dismissed from the California Cadet Corps and any cadet may be dismissed from the corps, upon the recommendation of the president, director or chief administrative officer of the college or community college or the principal of the high school, for deficiency in his studies or for misbehavior either in college, community college or high school or in the California Cadet Corps or for other good cause in the judgment of the president, director or chief administrative officer of the college or community college or the principal of the high school.

SEC. 555. Section 508 of the Military and Veterans Code is amended to read:

508. The California Cadet Corps shall train in accordance with the appropriate manuals prescribed by the United States Army and as may be prescribed by rules and regulations adopted by the Adjutant General. No uniformed corps of cadets shall be organized in any college, community college, or high school except pursuant to and as authorized by this chapter provided that R.O.T.C. and other federally approved military units shall not be subject to or limited by this code.

SEC. 556. Section 510 of the Military and Veterans Code is amended to read:

510. Members of the California Cadet Corps shall wear such uniforms as the Adjutant General prescribes. The Adjutant General may issue to the California Cadet Corps necessary cap and collar ornaments and chevrons, training aids, insignia of rank and of the California Cadet Corps, awards and decoration, flags, colors, guidons, standards, slings and carry-

ing devices, canteens and covers, belts, first aid packets, mess kits, shelter halves, haversacks, and such other military property or equipment in the control of the Adjutant General as may not be required for the National Guard or other state military forces or other military purposes. A regulation uniform for cadets shall be kept in the Adjutant General's office to be used as sample from which the uniforms for the California Cadet Corps shall be made. Such issues may be made by the Adjutant General without charge to the members of the California Cadet Corps or to the school or college or community college. The Adjutant General, after receiving written acknowledgment from the high school principal or president, director or chief administrative officer of the college or community college of the receipt of such property, shall account the same as a transfer of equipment.

SEC. 557. Section 511 of the Military and Veterans Code is amended to read:

511. A sufficient number of rifles suitable for drill purposes may be purchased by the board of high school trustees, board of education, board of directors or trustees of a college or community college, county superintendent of schools, the State Superintendent of Public Instruction, or the Adjutant General out of any funds available and not otherwise appropriated.

SEC. 558. Section 512 of the Military and Veterans Code is amended to read:

512. Target practice shall constitute a part of the instruction to be given to cadets. Members of the California Cadet Corps may engage in rifle matches and competitions conducted or held in this state or at any place in the United States. The Adjutant General may purchase and supply to each of the colleges, community colleges and high schools a sufficient number of Springfield or other efficient rifles for field target work and gallery practice and the ammunition and equipment therefor, as in his judgment is necessary for efficient rifle practice. A sufficient number of rifles suitable for field target work or gallery target firing and the ammunition and equipment therefor may be purchased by a board of high school trustees, board of education, board of directors or trustees of a college or community college, county superintendent of schools, or the State Superintendent of Public Instruction, out of any funds available therefor, and the governing body or governing officials of any high school, community college or college may purchase the necessary parts for and may repair any rifles acquired or furnished for the use of members of the California Cadet Corps. All target practice shall be under the supervision of the president, chief administrative officer, director or principal of the college, community college, or high school or such officer or officers as he or they may appoint. Competent members of the National Guard, State Military Reserve or Naval Militia may be detailed by the Adjutant General, with their consent, and upon re-

quest of the president, chief administrative officer, director or principal of the college, community college or high school as instructors of target practice in the California Cadet Corps. Such instructors while on duty at said college, community college or high school during target practice shall be under the immediate control and jurisdiction of the governing body of said college, community college or high school. The expenditures therefor may be paid out of the moneys appropriated for the maintenance of the California Cadet Corps.

SEC. 559. Section 515 of the Military and Veterans Code is amended to read:

515. Units of the California Cadet Corps shall be inspected at least once each year by the executive officer, the assistant executive officer, the regional supervisors of cadet instruction, or any of them, or by officers of the National Guard, State Military Reserve or Naval Militia detailed by the Adjutant General for that purpose. Such inspectors shall report to the Adjutant General the result of inspections relating to the training, target practice, attendance, discipline, military knowledge and instruction, leadership and condition of property of the California Cadet Corps. Such report shall contain an inventory of the state property on hand in the cadet units at the time of inspections. Such reports shall be made and forwarded in duplicate, one copy to the State Superintendent of Public Instruction and one copy to the Adjutant General's office, and shall bear the endorsement of the president, director or other chief administrative officer of the college or community college or of the principal of the high school, containing remarks the said officials may deem pertinent.

SEC. 560. Section 516 of the Military and Veterans Code is amended to read:

516. The president, director or chief administrative officer of a college or community college and the principal of the high school shall be responsible for all public property supplied to units of the California Cadet Corps under their control or supervision and shall supervise the proper care thereof.

SEC. 561. Section 517 of the Military and Veterans Code is amended to read:

517. Each board of high school trustees, president, director and chief administrative officer of a college or community college, board of trustees of a college or community college, board of education, principal of a high school, county superintendent of schools and the State Superintendent of Public Instruction shall facilitate the purposes of the California Cadet Corps and its instruction and the provisions of this chapter by cooperating with the Adjutant General.

SEC. 562. Section 518 of the Military and Veterans Code is amended to read:

518. The provisions of this chapter shall apply to all community colleges in this state, and the principals and governing boards of community colleges shall have the same authority as similar officials of high schools.

SEC. 563. Section 519 of the Military and Veterans Code is amended to read:

519. Where a community college is located in close proximity to any high school having a high school cadet company or companies, the governing boards of the community college and high schools may by agreement provide for the joint organization of cadet companies.

SEC. 564. Section 520.1 of the Military and Veterans Code is amended to read:

520.1. The principal and governing board of any private educational institution or military academy in which there is not maintained an R.O.T.C. unit of high school or community college or college grade otherwise meeting the qualifications prescribed by this chapter and such rules and regulations not inconsistent therewith that may be adopted by the Adjutant General may apply to the Adjutant General for permission to establish a cadet company or cadet companies, battalions or regiments of the California Cadet Corps pursuant to this chapter. If the Adjutant General approves the petition, the principal and governing board of the private school shall have the same authority as similar officials of public high schools, community colleges or colleges to create units of and to become a member of the California Cadet Corps, and the cadet company or companies or other cadet units shall in all respects be governed by the provisions of this chapter to the same extent as though it were a public high school, community college or college.

SEC. 565. Section 172.1 of the Penal Code is amended to read:

172.1. No provision of law shall prevent the possession or use of wine on any state university, state college or community college premises solely for use in experimentation in or instruction of viticulture, enology, domestic science or home economics.

SEC. 566. Section 415.5 of the Penal Code is amended to read:

415.5. (a) Every person who maliciously and willfully disturbs the peace or quiet of any community college, state college, or state university by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting, or by using any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine not exceeding two hundred dollars (\$200) or by imprisonment in the county jail for a period of not more than 90 days, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than

10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section or of any offense defined in Chapter 1 (commencing with Section 626) of Title 15 of Part 1, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

(b) For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is *prima facie* evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

(c) As used in this section "state university," "state college," and "community college" have the same meaning as these terms are given in Section 626.

SEC. 567. Section 602.10 of the Penal Code is amended to read:

602.10. Every person who, by physical force and with the intent to prevent attendance or instruction, willfully obstructs or attempts to obstruct any student or teacher seeking to attend or instruct classes at any of the campuses or facilities owned, controlled, or administered by the Regents of the University of California, the Trustees of the California State Colleges, or the governing board of a community college district or school district maintaining a community college shall be punished by a fine not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not exceeding one year, or by both such fine and imprisonment.

As used in this section, "physical force" includes, but is not limited to, use of one's person, individually or in concert with others, to impede access to or movement within or otherwise to obstruct the students and teachers of the classes to which the premises are devoted.

SEC. 568. Section 626 of the Penal Code is amended to read:

626. (a) As used in this chapter:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated, or controlled by the Regents of the University of California.

(2) "State college" means any California state college, and includes any campus or facility owned, operated, or controlled by the Trustees of the California State Colleges.

(3) "Community college" means any school established pursuant to Chapter 3 (commencing with Section 25500) of Division 18.5 of the Education Code.

(4) "Chief administrative officer" means the president of a state college, Chancellor of the California State Colleges, or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated, or controlled by the Regents of the University of California, or the superintendent of a community college district or a school district maintaining a community college.

(b) For the purpose of determining the penalty to be imposed pursuant to this chapter, the court may consider a written report from the Bureau of Criminal Identification and Investigation containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

SEC. 569. Section 626.2 of the Penal Code is amended to read:

626.2. Every student or employee who, after a hearing, has been suspended or dismissed from a community college, state college, or state university for disrupting the orderly operation of the campus or facility of such institution, and as a condition of such suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by such person, with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or

by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

Knowledge shall be presumed if notice has been given as prescribed in this section. The presumption established by this section is a presumption affecting the burden of proof.

SEC. 570. Section 626.4 of the Penal Code is amended to read:

626.4. (a) The chief administrative officer of a campus or other facility of a community college, state college, or state university, or an officer or employee designated by him to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. Such report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in his absence, a person designated by him for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in his absence, the person designated by him, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. Such written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant

such a hearing not later than seven days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, state college, or state university, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, state college, or state university to suspend, dismiss, or expel any student or employee at such university or college.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

SEC. 571. Section 626.6 of the Penal Code is amended to read:

626.6. In any case in which a person who is not a student or officer or employee of a community college, state college, or state university, and who is not required by his employment to be on the campus or any other facility owned, operated or controlled by the governing board of any such community college, state college, or state university, enters such campus or facility,

and it reasonably appears to the chief administrative officer of such campus or facility or to an officer or employee designated by him to maintain order on such campus or facility that such person is committing any act likely to interfere with the peaceful conduct of the activities of such campus or facility or has entered such campus or facility for the purpose of committing any such act, the chief administrative officer or officer or employee designated by him to maintain order on such campus or facility may direct such person to leave such campus or facility, and if such person fails to do so or if such person willfully and knowingly reenters upon such campus or facility within 72 hours after being directed to leave, he is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and he shall not be released on probation, parole, or any other basis until he has served not less than 90 days.

SEC. 572. Section 1463.2 of the Penal Code is amended to read:

1463.2. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pursuant to Section 1463, there shall be transferred, once a month, into the general fund of any community college district in the county an amount equal to 50 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by campus security patrol officers employed by the community college district and charged with a violation of the parking regulations of the district upon property owned by or leased by the district within the county, and an amount equal to the remaining 50 percent shall be transferred into the general fund of the county.

SEC. 573. Any section of any other act, enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals any section

of the Education Code which is amended by this act, shall prevail over this act.

SEC. 574. The amendments made by the provisions of this act shall not affect the legal existence or the authority of junior colleges or junior college districts formed prior to the effective date of this act. A junior college district formed prior to the effective date of this act is not required by the provisions of this act to change its name in compliance with the provisions of Section 25445.5 of the Education Code, as amended by Section 377 of this act, and may continue to sue and be sued in the name of the "----- (using the name of the district) Junior College District".

CHAPTER 103

An act to amend Section 24058 of the Government Code, relating to travel expenses.

[Approved by Governor May 12, 1970. Filed with Secretary of State May 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24058 of the Government Code is amended to read:

24058. Notwithstanding any provision of law to the contrary, but excepting herefrom any meetings of law enforcement officers called pursuant to Section 12524 of the Government Code, when any county officer is called or summoned to attend any meeting or conference by any civil executive officer of the state pursuant to state law, his expenses of attending such meeting or conference may be made charges against the county only when funds for such expenses, exclusive of funds required for mandatory travel expenses, have already been appropriated.

CHAPTER 104

An act to amend Section 352 of the Code of Civil Procedure, to amend Sections 910.8, 911.8, 913, 945.6, and 950.6 of, and to add Section 915.4 to, the Government Code, and to amend Section 34 of the San Joaquin County Flood Control and Water Conservation District Act (Chapter 46 of the Statutes of 1956, First Extraordinary Session), Section 10 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), Section 23 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), Section 23 of the San Geronio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), and Section 23 of the Bighorn Mountains Water Agency Law (Chapter 1175

of the Statutes of 1969), relating to claims against public entities and public employees.

[Approved by Governor May 12, 1970 Filed with
Secretary of State May 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 352 of the Code of Civil Procedure is amended to read:

352. (a) If a person entitled to bring an action, mentioned in chapter three of this title, be, at the time the cause of action accrued, either:

1. Under the age of majority; or,

2. Insane; or,

3. Imprisoned on a criminal charge, or in execution under the sentence of a criminal court for a term less than for life; or,

4. A married woman, and her husband be a necessary party with her in commencing such action; the time of such disability is not a part of the time limited for the commencement of the action.

(b) This section does not apply to an action against a public entity or public employee upon a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) or Chapter 2 (commencing with Section 910) of Part 3, or Chapter 3 (commencing with Section 950) of Part 4, of Division 3.6 of Title 1 of the Government Code. This subdivision shall not apply to any claim presented to a public entity prior to January 1, 1971.

SEC. 2. Section 910.8 of the Government Code is amended to read:

910.8. If in the opinion of the board or the person designated by it a claim as presented fails to comply substantially with the requirements of Sections 910 and 910.2, or with the requirements of a form provided under Section 910.4 if a claim is presented pursuant thereto, the board or such person may, at any time within 20 days after the claim is presented, give written notice of its insufficiency, stating with particularity the defects or omissions therein. Such notice shall be given in the manner prescribed by Section 915.4. The board may not take action on the claim for a period of 15 days after such notice is given.

SEC. 3. Section 911.8 of the Government Code is amended to read:

911.8. Written notice of the board's action upon the application shall be given in the manner prescribed by Section 915.4.

SEC. 4. Section 913 of the Government Code is amended to read:

913. (a) Written notice of the action taken under Section 912.6 or 912.8 or the inaction which is deemed rejection under Section 912.4 shall be given in the manner prescribed

by Section 915.4. Such notice may be in substantially the following form:

"Notice is hereby given that the claim which you presented to the (insert title of board or officer) on (indicate date) was (indicate whether rejected, allowed, allowed in the amount of \$----- and rejected as to the balance, rejected by operation of law, or other appropriate language, whichever is applicable) on (indicate date of action or rejection by operation of law)."

(b) If the claim is rejected in whole or in part, the notice required by subdivision (a) shall include a warning in substantially the following form:

"WARNING

"Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6.

"You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately."

Sec. 5. Section 915.4 is added to the Government Code, to read:

915.4. (a) The notices provided for in Sections 910.8, 911.8, and 913 shall be given by either of the following methods:

(1) Personally delivering the notice to the person presenting the claim or making the application.

(2) Mailing the notice to the address, if any, stated in the claim or application as the address to which the person presenting the claim or making the application desires notices to be sent or, if no such address is stated in the claim or application, by mailing the notice to the address, if any, of the claimant as stated in the claim or application.

(b) No notice need be given where the claim or application fails to state either an address to which the person presenting the claim or making the application desires notices to be sent or an address of the claimant.

Sec. 6. Section 945.6 of the Government Code is amended to read:

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b), any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced:

(1) If written notice is given in accordance with Section 913, not later than six months after the date such notice is personally delivered or deposited in the mail.

(2) If written notice is not given in accordance with Section 913, within two years from the accrual of the cause of

action. If the period within which the public entity is required to act is extended pursuant to subdivision (b) of Section 912.4, the period of such extension is not part of the time limited for the commencement of the action under this paragraph.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limited for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

SEC. 7. Section 950.6 of the Government Code is amended to read:

950.6. When a written claim for money or damages for injury has been presented to the employing public entity:

(a) A cause of action for such injury may not be maintained against the public employee or former public employee whose act or omission caused such injury until the claim has been rejected, or has been deemed to have been rejected, in whole or in part by the public entity.

(b) A suit against the public employee or former public employee for such injury must be commenced within the time prescribed by Section 945.6 for bringing an action against the public entity.

(c) When a person is unable to commence the suit within the time prescribed in subdivision (b) because he has been sentenced to imprisonment in a state prison, the time limited for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public employee or former public employee establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (b).

SEC. 8. Section 34 of the San Joaquin County Flood Control and Water Conservation District Act (Ch. 46, Stats. 1956, 1st Ex. Sess.) is amended to read:

Sec. 34. Claims against the district whether arising out of contract, tort, or the taking or damaging of property without compensation shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

SEC. 9. Section 10 of the Kern County Water Agency Act (Ch. 1003, Stats. 1961) is amended to read:

Sec. 10. Claims against the agency whether arising out of contract, tort, or the taking or damaging of property without compensation shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

SEC. 10. Section 23 of the Desert Water Agency Law (Ch. 1069, Stats. 1961) is amended to read:

Sec. 23. All claims for money or damages against this agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 11. Section 23 of the San Geronio Pass Water Agency Law (Ch. 1435, Stats. 1961) is amended to read:

Sec. 23. All claims for money or damages against this agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 12. Section 23 of the Bighorn Mountains Water Agency Law (Ch. 1175, Stats. 1969) is amended to read:

Sec. 23. All claims for money or damages against this agency are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 24. The amendments to Sections 913, 945.6, and 950.6 of the Government Code, made by Sections 4, 6, and 7 of this act, respectively, shall not apply to claims presented to a public entity prior to January 1, 1971. Such claims shall be governed by Sections 913, 945.6, and 950.6 of the Government Code as they read prior to their amendment by this act.

SEC. 25. This act shall become operative January 1, 1971.

CHAPTER 105

An act to amend Section 587 of the Code of Civil Procedure, relating to judgments.

[Approved by Governor May 12, 1970. Filed with Secretary of State May 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 587 of the Code of Civil Procedure is amended to read:

587. An application by a plaintiff for entry of default under subdivision (1) or (2) of Section 585 or Section 586

or an application for judgment under subdivision (3) of Section 585 shall include an affidavit stating that a copy of such application has been mailed to the defendant's attorney of record or, if none, to the defendant at his last known address and the date on which such copy was mailed. If no such address of the defendant is known to the plaintiff or plaintiff's attorney the affidavit shall state such fact.

No application for judgment under the provisions of subdivision (3) of Section 585 shall be heard, and no default under the provisions of subdivision (1) or (2) of Section 585 or Section 586 shall be entered, unless such affidavit is filed. The nonreceipt of such notice shall not invalidate or constitute ground for setting aside any judgment.

CHAPTER 106

An act authorizing the Director of General Services to enter into an exchange of property with the City of Visalia, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1970. Filed with
Secretary of State May 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services is hereby authorized to make an exchange, with the concurrence of the commanding general of the state military forces, of the current armory site and facilities located in the City of Visalia, with the City of Visalia for equal facilities. The current armory site and facilities contains approximately 29,040 square feet located in the block bordered by East Acequia Street on the north, East Willow Street on the south, South Bridge Street on the east, and South Garden Street on the west, in the City of Visalia.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The prompt exchange, in the manner proposed, of the real property herein described is necessary for the City of Visalia to meet construction deadlines. In order that construction may proceed, it is essential that this act go into immediate effect.

CHAPTER 107

An act to amend Section 34354 of the Health and Safety Code, relating to housing authorities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 12, 1970. Filed with
Secretary of State May 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 34354 of the Health and Safety Code is amended to read:

34354. By resolution, an authority may authorize bonds. The resolution, its trust indenture, or mortgage may provide for:

- (a) The issuance of bonds in one or more series.
- (b) The date the bonds shall bear.
- (c) The date of maturity.
- (d) The interest rate, not exceeding 7 percent a year.
- (e) The denomination of the bonds.
- (f) The form of the bonds, either coupon or registered.
- (g) The conversion or registration privileges which the bonds shall carry.
- (h) The rank or priority of the bonds.
- (i) The manner of execution of the bonds.
- (j) The medium of payment in which the bonds are payable.
- (k) The place of payment.
- (l) The terms of redemption, with or without premium.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Present conditions in the bond market make it exceedingly difficult to sell housing authority bonds at the present rates of interest. Housing authorities throughout the state require bond financing in order to provide urgently needed low-income housing. It is therefore important that this act, which would increase the maximum permissible rate of interest payable on housing authority bonds, take effect immediately.

CHAPTER 108

An act to amend Sections 9122, 9126.5, 9142, 9155, and 9170 of, and to amend the heading of Article 6 (commencing with Section 9155) of Chapter 3 of Division 9 of, the Public Resources Code, relating to soil conservation.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9122 of the Public Resources Code is amended to read:

9122. After the boundaries are established and the petition granted, the board shall make and enter an order to that effect, which shall describe the boundaries and designate a name for the district.

SEC. 2. Section 9126.5 of the Public Resources Code is amended to read:

9126.5. Members of county boards of supervisors shall not be eligible to simultaneously hold office as a director.

SEC. 2.5. Section 9142 of the Public Resources Code is amended to read:

9142. If upon the canvass it appears that a majority of all of the votes cast are in favor of the formation of the district, the board shall, by an order entered in its minutes, declare the territory duly organized as a soil conservation district under the name designated. The formation of the district is complete when the order is entered on the minutes of the board.

SEC. 3. The heading of Article 6 (commencing with Section 9155) of Chapter 3 of Division 9 of the Public Resources Code is amended to read:

Article 6. Proceeding Supplemental to Formation

SEC. 4. Section 9155 of the Public Resources Code is amended to read:

9155. The board of supervisors of the principal county shall, within 10 days after the entry of an order declaring a district formed, cause a certified copy of the order to be filed for record in the office of the county recorder of each county in which any portion of the district is situated.

SEC. 5. Section 9170 of the Public Resources Code is amended to read:

9170. The directors shall select a date, time, and place at which regular monthly meetings of the directors shall be held. Upon the completion of all the foregoing determinations by the directors, the district shall be declared to be organized.

CHAPTER 109

An act to amend Sections 9080.1, 9083, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9156, the article heading of Article 11 (commencing with Section 9280) of Chapter 3 of Division 9, Sections 9280, 9335, 9500, 9540, 9605, and 9700 of, and to repeal Sections 9280.1, 9283, 9284, 9285, 9286, 9287, 9288, 9289, 9290, 9291, 9292, 9294, 9295, 9296, 9297, 9298, 9299, 9300, 9301, 9302, 9303, 9303.1, 9304, 9305, Article 11.1 (commencing with Section 9306) of Chapter 3 of Division 9, the article heading of Article 11.2 (commencing with Section 9317) of Chapter 3 of Division 9, Sections 9317, 9317.1, 9317.2, 9317.5, 9317.6, 9317.7, 9317.8, 9317.9, 9317.10, 9317.11, 9317.12, 9317.13, 9317.14, Article 12 (commencing with Section 9318) of Chapter 3 of Division 9, Article 13 (commencing with Section 9330) of Chapter 3 of Division 9, Sections 9336, 9337, 9338, 9339, 9340, 9341, 9342, 9343, 9344, 9345, 9346, 9347, 9348, 9349, 9350, 9501, 9501.1, 9502, 9503, 9504, 9505, 9506, 9507, 9508, 9509, 9510, 9511, the chapter

heading of Chapter 5.1 (commencing with Section 9520) of Division 9, Sections 9520, 9521, 9522, 9523, 9524, 9525, 9526, 9527, 9528, 9529, 9541, 9544, 9545, 9546, 9547, 9548, 9549, 9550, 9551, 9552, 9553, 9554, 9701, 9704, 9705, 9706, 9707, 9708, 9709, 9710, 9711, 9712, 9713, 9714, and 9715 of the Public Resources Code, relating to soil conservation districts.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9080.1 of the Public Resources Code is amended to read:

9080.1. If the formation of the district is not completed within two years from the date of the first submission of the proposal to the board of supervisors, no further action may be taken on the proposal and the proposal shall be deemed invalid; except, that where it reasonably appears to the board that the proposal will be acted upon, the board of supervisors from time to time may either on its own motion or on request of any interested party extend, for periods not to exceed one year in all, the time within which action may be taken on the proposal.

SEC. 2. Section 9083 of the Public Resources Code is amended to read:

9083. The board of supervisors shall submit the proposal for the new district to the local agency formation commission of each county in which any part of the district is to be located.

SEC. 2.2. Section 9084 of the Public Resources Code is amended to read:

9084. The local agency formation commission shall consider the proposal and shall hold a public hearing with respect thereto if one is requested and if, in the discretion of the chairman or a majority of the members of the local agency formation commission, a hearing would be in the public interest.

SEC. 2.4. Section 9085 of the Public Resources Code is amended to read:

9085. In considering such a proposal, the local agency formation commission shall compare the proposed boundaries of the district with those of soil conservation and other districts within the county and shall ascertain the extent to which overlapping or conflicting boundaries may result from the proposal, and may consider any factors that it may regard inimical to the public interest.

SEC. 3. Section 9086 of the Public Resources Code is amended to read:

9086. Within 30 days after the submission of such proposal, the local agency formation commission shall make its report and recommendation with respect thereto. This report shall be filed with the board of supervisors to which the pro-

posal was submitted and a copy furnished to the proponents of the proposed district.

SEC. 4. Section 9087 of the Public Resources Code is amended to read:

9087. Within 30 days after receiving the report of the local agency formation commission on such proposal, the board of supervisors shall consider the matter and advise the proponents in writing of any changes in the proposed boundaries believed to be in the public interest. The recommendations of the board of supervisors or its finding that the proposed boundaries are satisfactory shall be accompanied by a copy of the report from the local agency formation commission. A copy of the board's determination shall be sent to the local agency formation commission.

SEC. 4.5. Section 9088 of the Public Resources Code is amended to read:

9088. Upon the receipt of the report, the proponents shall consider the recommendations of the local agency formation commission and the board of supervisors and may make any modifications recommended.

SEC. 5. Section 9089 of the Public Resources Code is amended to read:

9089. If the proponents decline to accept any recommendations for modifications specified by the local agency formation commission and the board of supervisors and file a statement of reasons therefor, the board of supervisors shall, within 10 days, reconsider the boundaries proposed by the proponents and notify the proponents as to whether the boundaries are or are not acceptable to the board of supervisors. A copy of the statement of reasons shall also be sent to the local agency formation commission by the proponents.

SEC. 5.5. Section 9090 of the Public Resources Code is amended to read:

9090. If the local agency formation commission and the board of supervisors in their reports find that the proposed boundaries are satisfactory or if the board of supervisors upon reconsideration finds the boundaries acceptable, the proponents may circulate a petition to form a new district. If the proposed boundaries are not acceptable and differences cannot be adjusted, the supervisors may, if a district is deemed in the public interest, set the boundaries and the proponents may proceed with the petition.

SEC. 6. Section 9156 of the Public Resources Code is amended to read:

9156. The board shall also forward certified copies of said order to the State Board of Equalization, the Secretary of State, and the clerk of the board of supervisors of each county, other than the principal county, in which any portion of the district is situated.

SEC. 7. The article heading of Article 11 (commencing with Section 9280) of Chapter 3 of Division 9 of the Public Resources Code is amended to read:

Article 11. Inclusion of Lands

SEC. 8. Section 9280 of the Public Resources Code is amended to read:

9280. The inclusion of additional lands in a district shall be made in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code, except that unless otherwise provided in this chapter, the lands included in any district need not be contiguous but they shall be susceptible of the same general plan or system for the control of runoff, the prevention or control of soil erosion, and the development and distribution of water, or land improvement.

SEC. 9. Section 9280.1 of the Public Resources Code is repealed.

SEC. 10. Section 9283 of the Public Resources Code is repealed.

SEC. 11. Section 9284 of the Public Resources Code is repealed.

SEC. 12. Section 9285 of the Public Resources Code is repealed.

SEC. 13. Section 9286 of the Public Resources Code is repealed.

SEC. 14. Section 9287 of the Public Resources Code is repealed.

SEC. 15. Section 9288 of the Public Resources Code is repealed.

SEC. 16. Section 9289 of the Public Resources Code is repealed.

SEC. 17. Section 9290 of the Public Resources Code is repealed.

SEC. 18. Section 9291 of the Public Resources Code is repealed.

SEC. 18.5. Section 9292 of the Public Resources Code is repealed.

SEC. 19. Section 9294 of the Public Resources Code is repealed.

SEC. 20. Section 9295 of the Public Resources Code is repealed.

SEC. 21. Section 9296 of the Public Resources Code is repealed.

SEC. 22. Section 9297 of the Public Resources Code is repealed.

SEC. 23. Section 9298 of the Public Resources Code is repealed.

SEC. 24. Section 9299 of the Public Resources Code is repealed.

SEC. 25. Section 9300 of the Public Resources Code is repealed.

SEC. 26. Section 9301 of the Public Resources Code is repealed.

SEC. 27. Section 9302 of the Public Resources Code is repealed.

SEC. 28. Section 9303 of the Public Resources Code is repealed.

SEC. 29. Section 9303.1 of the Public Resources Code is repealed.

SEC. 30. Section 9304 of the Public Resources Code is repealed.

SEC. 31. Section 9305 of the Public Resources Code is repealed.

SEC. 32. Article 11.1 (commencing with Section 9306) of Chapter 3 of Division 9 of the Public Resources Code is repealed.

SEC. 33. The article heading of Article 11.2 (commencing with Section 9317) of Chapter 3 of Division 9 of the Public Resources Code is repealed.

SEC. 34. Section 9317 of the Public Resources Code is repealed.

SEC. 35. Section 9317.1 of the Public Resources Code is repealed.

SEC. 36. Section 9317.2 of the Public Resources Code is repealed.

SEC. 37. Section 9317.5 of the Public Resources Code is repealed.

SEC. 38. Section 9317.6 of the Public Resources Code is repealed.

SEC. 39. Section 9317.7 of the Public Resources Code is repealed.

SEC. 40. Section 9317.8 of the Public Resources Code is repealed.

SEC. 41. Section 9317.9 of the Public Resources Code is repealed.

SEC. 42. Section 9317.10 of the Public Resources Code is repealed.

SEC. 43. Section 9317.11 of the Public Resources Code is repealed.

SEC. 44. Section 9317.12 of the Public Resources Code is repealed.

SEC. 45. Section 9317.13 of the Public Resources Code is repealed.

SEC. 46. Section 9317.14 of the Public Resources Code is repealed.

SEC. 47. Article 12 (commencing with Section 9318) of Chapter 3 of Division 9 of the Public Resources Code is repealed.

SEC. 47.5. Article 13 (commencing with Section 9330) of Chapter 3 of Division 9 of the Public Resources Code is repealed.

SEC. 48. Section 9335 of the Public Resources Code is amended to read:

9335. A district may be dissolved in accordance with the provisions of the District Reorganization Act of 1965, Divi-

sion 1 (commencing with Section 56000) of Title 6 of the Government Code.

SEC. 49. Section 9336 of the Public Resources Code is repealed.

SEC. 50. Section 9337 of the Public Resources Code is repealed.

SEC. 51. Section 9338 of the Public Resources Code is repealed.

SEC. 52. Section 9339 of the Public Resources Code is repealed.

SEC. 53. Section 9340 of the Public Resources Code is repealed.

SEC. 54. Section 9341 of the Public Resources Code is repealed.

SEC. 55. Section 9342 of the Public Resources Code is repealed.

SEC. 56. Section 9343 of the Public Resources Code is repealed.

SEC. 57. Section 9344 of the Public Resources Code is repealed.

SEC. 58. Section 9345 of the Public Resources Code is repealed.

SEC. 59. Section 9346 of the Public Resources Code is repealed.

SEC. 60. Section 9347 of the Public Resources Code is repealed.

SEC. 61. Section 9348 of the Public Resources Code is repealed.

SEC. 62. Section 9349 of the Public Resources Code is repealed.

SEC. 63. Section 9350 of the Public Resources Code is repealed.

SEC. 64. Section 9500 of the Public Resources Code is amended to read:

9500. Any two or more contiguous districts, or districts situated within the same geophysical area, organized under this division may consolidate in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

SEC. 65. Section 9501 of the Public Resources Code is repealed.

SEC. 66. Section 9501.1 of the Public Resources Code is repealed.

SEC. 67. Section 9502 of the Public Resources Code is repealed.

SEC. 68. Section 9503 of the Public Resources Code is repealed.

SEC. 69. Section 9504 of the Public Resources Code is repealed.

SEC. 70. Section 9505 of the Public Resources Code is repealed.

SEC. 71. Section 9506 of the Public Resources Code is repealed.

SEC. 72. Section 9507 of the Public Resources Code is repealed.

SEC. 73. Section 9508 of the Public Resources Code is repealed.

SEC. 74. Section 9509 of the Public Resources Code is repealed.

SEC. 75. Section 9510 of the Public Resources Code is repealed.

SEC. 76. Section 9511 of the Public Resources Code is repealed.

SEC. 77. The chapter heading of Chapter 5.1 (commencing with Section 9520) of Division 9 of the Public Resources Code is repealed.

SEC. 78. Section 9520 of the Public Resources Code is repealed.

SEC. 79. Section 9521 of the Public Resources Code is repealed.

SEC. 80. Section 9522 of the Public Resources Code is repealed.

SEC. 81. Section 9523 of the Public Resources Code is repealed.

SEC. 82. Section 9524 of the Public Resources Code is repealed.

SEC. 83. Section 9525 of the Public Resources Code is repealed.

SEC. 84. Section 9526 of the Public Resources Code is repealed.

SEC. 84.5. Section 9527 of the Public Resources Code is repealed.

SEC. 85. Section 9528 of the Public Resources Code is repealed.

SEC. 86. Section 9529 of the Public Resources Code is repealed.

SEC. 87. Section 9540 of the Public Resources Code is amended to read:

9540. A partition of a district shall be made in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

SEC. 88. Section 9541 of the Public Resources Code is repealed.

SEC. 89. Section 9544 of the Public Resources Code is repealed.

SEC. 90. Section 9545 of the Public Resources Code is repealed.

SEC. 91. Section 9546 of the Public Resources Code is repealed.

SEC. 92. Section 9547 of the Public Resources Code is repealed.

SEC. 93. Section 9548 of the Public Resources Code is repealed.

SEC. 94. Section 9549 of the Public Resources Code is repealed.

SEC. 95. Section 9550 of the Public Resources Code is repealed.

SEC. 96. Section 9551 of the Public Resources Code is repealed.

SEC. 97. Section 9552 of the Public Resources Code is repealed.

SEC. 98. Section 9553 of the Public Resources Code is repealed.

SEC. 99. Section 9554 of the Public Resources Code is repealed.

SEC. 100. Section 9605 of the Public Resources Code is amended to read:

9605. If the action of the board of supervisors on this request is favorable, they shall cause certified copies of the resolution to be forwarded to the board of directors initiating the request, the boards of supervisors of all the other counties in which any portion of the district lies, the State Board of Equalization, and the Secretary of State.

SEC. 101. Section 9700 of the Public Resources Code is amended to read:

9700. One district may transfer land within its boundaries to a district contiguous thereto in accordance with the provisions of the District Reorganization Act of 1965, Division 1 (commencing with Section 56000) of Title 6 of the Government Code.

SEC. 102. Section 9701 of the Public Resources Code is repealed.

SEC. 103. Section 9704 of the Public Resources Code is repealed.

SEC. 104. Section 9705 of the Public Resources Code is repealed.

SEC. 105. Section 9706 of the Public Resources Code is repealed.

SEC. 106. Section 9707 of the Public Resources Code is repealed.

SEC. 107. Section 9708 of the Public Resources Code is repealed.

SEC. 108. Section 9709 of the Public Resources Code is repealed.

SEC. 109. Section 9710 of the Public Resources Code is repealed.

SEC. 110. Section 9711 of the Public Resources Code is repealed.

SEC. 111. Section 9712 of the Public Resources Code is repealed.

SEC. 112. Section 9713 of the Public Resources Code is repealed.

SEC. 113. Section 9714 of the Public Resources Code is repealed.

SEC. 114. Section 9715 of the Public Resources Code is repealed.

CHAPTER 110

An act to amend Section 56039 of the Government Code, relating to district exclusions in the District Reorganization Act of 1965.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 56039 of the Government Code is amended to read:

56039. "District" means an agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall include a county service area but shall exclude the following:

- (a) The state;
- (b) A county;
- (c) A city, except for the provisions of this division relating to a merger, the establishment of a subsidiary district, or a reorganization which includes an annexation to a city when the affected city does not object to such annexation;
- (d) A school district;
- (e) A unified or union high school library district;
- (f) A special assessment district;
- (g) An improvement district;
- (i) An air pollution control district;
- (j) A bridge and highway district or a joint highway district;
- (k) A transit or rapid transit district or authority;
- (l) A metropolitan water district;
- (m) A flood control district, a flood control and floodwater conservation district, a flood control and water conservation district, a conservation district, a water conservation district, a water replenishment district, the Orange County Water District, a California water storage district, a water agency, a county water authority or a water authority, provided, that the commission of the principal county shall determine, in accordance with Sections 56015 and 56016 inclusive, that any district, agency or authority enumerated in this subdivision (m) is not a "district" within the meaning of this division.

CHAPTER 111

An act to amend Sections 4302, 4303, and 4336 of the Fish and Game Code, relating to deer hides.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4302 of the Fish and Game Code is amended to read:

4302. Any person taking any deer shall retain in his possession during the open season thereon, and for 15 days thereafter, that portion of the head which in adult males normally bears the antlers, and shall produce the designated portion of the head upon the demand of any officer authorized to enforce the provisions of this code.

SEC. 2. Section 4303 of the Fish and Game Code is amended to read:

4303. The skin or hide of any deer lawfully taken may be sold, purchased, tanned, or manufactured into articles for sale.

Skins or hides of deer lawfully taken may be donated at any time to veterans' organizations or veterans' service committees for use by veterans for rehabilitation purposes.

SEC. 3. Section 4336 of the Fish and Game Code is amended to read:

4336. The holder of a deer license tag shall carry the tag while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the deer license tag must be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for fifteen (15) days thereafter. The other part of the tag shall be immediately sent to the department after it has been countersigned.

Except as otherwise provided, possession of any untagged deer shall be a violation of this section.

CHAPTER 112*An act to amend Section 20751 of the Education Code, relating to local taxation by school districts.*

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for

all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars (\$100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district, eighty cents (\$0.80) for elementary school purposes, or ninety cents (\$0.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district whose current expenses of education for the 1963-1964 or 1964-1965 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents (\$1.25) for elementary school purposes, or one dollar and thirty-five cents (\$1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, seventy-five cents (\$0.75) for high school purposes, and ten cents (\$0.10) for adult education purposes.

(d) In any separate high school district whose current expenses of education for the high school purposes for the 1963-64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents (\$0.85) for high school purposes and ten cents (\$0.10) for adult education purposes.

(e) In any separate junior college district, thirty-five cents (\$0.35) for junior college purposes, and ten cents (\$0.10) for adult education purposes.

(f) In any unified school district one dollar and fifty-five cents (\$1.55) for combined elementary school and high school purposes; or one dollar and ninety cents (\$1.90) for combined elementary school, high school, and junior college purposes; or one dollar and sixty-five cents (\$1.65) for combined kindergarten, elementary school, and high school purposes; or two dollars (\$2) for combined kindergarten, elementary school, high school, and junior college purposes; or one dollar and sixty-five cents (\$1.65) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes; or two dollars (\$2) for combined kindergarten, elementary school, high school, and junior college purposes, and ten cents (\$0.10) for adult education purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963-64 fiscal year were less than six hundred dollars (\$600), two dollars and ten cents (\$2.10) for combined elementary school and high school purposes; or two dollars and forty-five cents (\$2.45) for combined elementary school, high school, and junior college purposes; two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and fifty-five cents (\$2.55) for combined kindergarten, elementary school, high school, and junior

college purposes; or two dollars and twenty cents (\$2.20) for combined kindergarten, elementary school, and high school purposes, and ten cents (\$0.10) for adult education purposes; or two dollars and fifty-five cents (\$2.55) for combined kindergarten, elementary school, high school, and junior college purposes, and ten cents (\$0.10) for adult education purposes.

(h) As used in this section "adult education purposes" means all current expenses of the district for which district taxes may be levied, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for adult classes as provided for in Chapter 5.5 (commencing with Section 5701), Division 6 of this code. "Adult education purposes" includes classes for adults authorized under Articles 4, 5 and 6, inclusive of Chapter 5.5 (commencing with Section 5701) of Division 6 of this code.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters, and upon the expiration of such period, the maximum tax rate of such district shall be the applicable rate prescribed in subdivision (1) of this section. If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so amended or as subsequently amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

CHAPTER 113

An act to amend Sections 9701 and 10251 of the Education Code, relating to textbooks.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9701 of the Education Code is amended to read:

9701. Obsolete textbooks that are usable for educational purposes may be disposed of by governing boards of school districts in which a superintendent of schools is employed, and in other school districts with the approval of the county superintendent of schools, in any of the following ways:

(a) They may be used as supplementary textbooks by the districts or may be placed in the county free library and handled in the same manner as any other supplementary textbooks.

(b) If such textbooks are not needed as supplementary textbooks in the district certain materials may be removed from such textbooks and used for instructional purposes in accordance with such instructions as are given by the governing board of the school district.

(c) Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books.

(d) Such books may be donated to the United States government or any agency thereof.

(e) Such books may be donated to any public agency or institution of the State of California or to any other state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(f) Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books.

(g) Such books may be donated to children and other persons who reside in the school district for the purpose of increasing the general literacy of the citizenry of the district.

(h) Subject to the provisions of subdivision (i) of this section, such books may be mutilated so as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or may be burned or otherwise destroyed as may be directed by the superintendent and school district governing board having jurisdiction, provided that no such mutilation, burning, or other destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice specified in subdivision (i) or a reasonable time thereafter.

(i) Such books may be disposed of pursuant to subdivision (h) of this section 30 days after notice has been given to the Department of Education specifying that the school district has no reasonable prospect of disposing of the books under subdivisions (a) to (g) of this section, and has no adequate storage for the books, unless the Department of Education, within 30 days of the date of the notice, provides for other disposition of the books.

SEC. 2. Sections 10251 of the Education Code is amended to read:

10251. The governing board of a district maintaining one or more elementary schools or one or more high schools may provide for the disposition of textbooks that have been declared obsolete by the governing board of the district, in any of the following ways:

(a) They may be used as supplementary textbooks by the districts or may be placed in the county free library and handled in the same manner as any other supplementary textbooks.

(b) If such textbooks are not needed as supplementary textbooks in the district certain materials may be removed from such textbooks and used for instructional purposes in accordance with such instructions as are given by the governing board of the school district.

(c) Such books may be sold for a nominal price for use within the State of California to any organization which agrees to use such books for educational purposes and agrees also to make no charge of any kind to the persons to whom such organization gives or lends such books.

(d) Such books may be donated to the United States government or any agency thereof.

(e) Such books may be donated to any public agency or institution of the State of California or to any other state, territory or possession of the United States or the government of any country which formerly was a territory or possession of the United States.

(f) Such books may be sold for a nominal price to any international civic or service club having one or more clubs in the State of California and approved by the governing board of the school district or by the Superintendent of Public Instruction, provided such civic or service club agrees to distribute such books for educational purposes and to make no charges of any kind to the persons to whom such organization gives or lends such books.

(g) Such books may be donated to pupils of the district.

(h) Subject to the provisions of subdivision (i) of this section, such books may be mutilated so as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or may be burned or otherwise destroyed as may be

directed by the superintendent and school district governing board having jurisdiction, provided that no such mutilation, burning, or other destruction shall be effected if any of the foregoing means of disposition can be accomplished and delivery by the governing board or the superintendent made to the respective agency within the period of the notice specified in subdivision (i) or a reasonable time thereafter.

(i) Such books may be disposed of pursuant to subdivision (h) of this section 30 days after notice has been given to the Department of Education specifying that the school district has no reasonable prospect of disposing of the books under subdivisions (a) to (g) of this section, and has no adequate storage for the books, unless the Department of Education, within 30 days of the date of the notice, provides for other disposition of the books.

The manner of disposal stipulated in the foregoing provisions of this section shall not preclude the governing board from selling textbooks pursuant to Section 10054 nor from selling on the secondhand market textbooks that are in fit condition to use.

In addition to other disposition of textbooks, textbooks that have been determined by the governing board of the school district to be unusable for educational purposes may be so mutilated as not to be salable as books and sold for use in the manufacture of paper pulp or other similar substances at the highest price that can be obtained, or, if such sale cannot be effected without a cost to the school district, may be burned or otherwise destroyed as may be directed by the governing board of the school district.

SEC. 3. Section 2 of this act shall become operative only if the amendment of Section 10251 of the Education Code as proposed by Assembly Bill No. 550 is enacted by the Legislature at its 1970 Regular Session, and in such case at the same time as Assembly Bill No. 550 takes effect; at which time Section 9701 of the Education Code as amended by Section 1 of this act is repealed.

CHAPTER 114

An act to amend Section 836.5 of the Penal Code, relating to peace officers.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 836.5 of the Penal Code is amended to read:

836.5. (a) A public officer or employee, when authorized by ordinance, may arrest a person without a warrant whenever

he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of a statute or ordinance which such officer or employee has the duty to enforce.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any public officer or employee acting pursuant to subdivision (a) and within the scope of his authority for false arrest or false imprisonment arising out of any arrest which is lawful or which the public officer or employee, at the time of the arrest, had reasonable cause to believe was lawful. No such officer or employee shall be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest, prevent escape, or overcome resistance.

(c) In any case in which a person is arrested pursuant to subdivision (a) and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of this title. The provisions of such chapter shall thereafter apply with reference to any proceeding based upon the issuance of a written notice to appear pursuant to this authority.

(d) The governing body of a local agency, by ordinance, may authorize those of its officers and employees who have the duty to enforce a statute or ordinance to arrest persons for violations of such statute or ordinance as provided in subdivision (a).

(e) For the purpose of this section, "ordinance" includes an order, rule, or regulation of any air pollution control district.

CHAPTER 115

An act to add Section 97.2 to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), relating to drainage districts.

[Approved by Governor May 13, 1970. Filed with Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 97.2 is added to the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), to read:

Sec. 97.2. A district may construct, maintain, and operate recreational facilities in connection with any dams, reservoirs, or other works owned or controlled by the district, and it may fix and assess reasonable charges for the use of such recreational facilities by members of the public.

CHAPTER 116

An act relating to the California State Polytechnic College at San Luis Obispo, and in this connection repealing Chapter 657 of the Statutes of 1969, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 657 of the Statutes of 1969 is repealed.

SEC. 2. There is hereby appropriated from the Capital Outlay Fund for Public Higher Education the net proceeds from the sale of 1.45 acres located at the southeast corner of Santa Rosa and Foothill Boulevards, San Luis Obispo, or so much thereof as shall be necessary, to the Trustees of the California State Colleges, in augmentation of their appropriations for support or for other purposes, for the purchase of relocatable buildings, including installation, site development and utilities, for faculty office facilities for the use of the California State Polytechnic College at San Luis Obispo.

SEC. 3. Notwithstanding the provisions of Section 24753 of the Education Code, the proceeds from the sale of the 1.45 acres located at the southeastern corner of Santa Rosa and Foothill Boulevards in San Luis Obispo, California, by the Trustees of the California State Colleges shall be deposited in the Capital Outlay Fund for Public Higher Education to be used for the purposes for which funds in the Capital Outlay Fund for Higher Education may be used.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the relocatable buildings for faculty office facilities, the purchase of which is authorized by this act, to be available for use when the college convenes in the fall of 1970, it is necessary that this act become effective as soon as possible.

CHAPTER 117

An act to amend Sections 3714, 3740, and 3741, of the Public Resources Code, relating to geothermal resources.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3714 of the Public Resources Code is amended to read:

3714. The State Oil and Gas Supervisor shall so supervise the drilling, operation, maintenance and abandonment of geothermal resources wells as to encourage the greatest ultimate economic recovery of geothermal resources, to prevent damage to life, health, property, and natural resources, and to prevent damage to, and waste from, the underground geothermal deposits, and to prevent damage to underground and surface waters suitable for irrigation or domestic purposes by reason of the drilling, operation, maintenance, and abandonment of geothermal resources wells.

SEC. 2. Section 3740 of the Public Resources Code is amended to read:

3740. The owner or operator of any well on lands producing or reasonably presumed to contain geothermal resources shall properly case it with watertight and adequate casing, in accordance with methods approved by the supervisor or the district deputy. The owner or operator shall also use every reasonable effort and endeavor to prevent damage to life, health, property, and natural resources, to shut out detrimental substances from strata containing water suitable for irrigation or domestic purposes and from surface water suitable for such purposes, and to prevent the infiltration of detrimental substances into such strata and into such surface water.

SEC. 3. Section 3741 of the Public Resources Code is amended to read:

3741. The supervisor shall require such tests or remedial work as in his judgment are necessary to prevent damage to life, health, property, and natural resources, to protect geothermal resources deposits from damage, or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, to the best interests of the neighboring property owners and the public.

CHAPTER 118

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19594 of the Education Code is amended to read:

19594. Whenever a conditional apportionment has, prior to the 61st day after the adjournment sine die of the 1970 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and con-

ducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 119

An act to amend Sections 35316 and 35317 of the Government Code, relating to city annexations.

[Approved by Governor May 13, 1970 Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35316 of the Government Code is amended to read:

35316. When an ordinance passed pursuant to Section 35314 or resolution adopted pursuant to Section 35310.1 approving annexation becomes effective, the clerk of the legislative body shall immediately prepare under seal a certified copy of the ordinance or resolution, giving the date of its passage, and transmit it to the Secretary of State.

SEC. 2. Section 35317 of the Government Code is amended to read:

35317. Upon receipt of the certified copy of the ordinance passed pursuant to Section 35314 or resolution adopted pursuant to Section 35310.1, the Secretary of State shall file it and transmit certificates of filing to the clerk of the city legislative body and the board of supervisors of the county in which the city is situated.

CHAPTER 120

An act to add Section 50010.1 to, and to repeal Section 50013 and Article 3 (commencing with Section 50061) of Chapter 32 of Division 17 of, the Agricultural Code, relating to potatoes.

[Approved by Governor May 13, 1970 Filed with
Secretary of State May 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 50010.1 is added to the Agricultural Code, to read:

50010.1. All containers of potatoes holding less than 50 pounds shall be marked with one of the grade markings for potatoes established by the United States Department of Agriculture. Open containers need not be marked with one of the grade markings when they are part of an open display of potatoes which is marked with one of the grade markings. The potatoes in such containers shall meet the grade marked on the open display.

SEC. 2. Section 50013 of the Agricultural Code is repealed.

SEC. 3. Article 3 (commencing with Section 50061) of Chapter 32 of Division 17 of the Agricultural Code is repealed.

CHAPTER 121

An act to amend Section 770.3 of the Insurance Code, relating to insurance.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 770.3 of the Insurance Code is amended to read:

770.3. No state department or agency shall negotiate any life or disability insurance or require the placing of such insurance through a particular agent, broker or company, except to the extent that the state has a direct financial interest in the subject of the insurance. The state has no financial interest in an annuity purchased for an employee where the premium therefor is paid from a deduction from or reduction in the employee's salary, and any annuity paid for through such a deduction or reduction shall not be deemed to have been provided by the state for its employees for purposes of this section, and the state shall not negotiate or require the placing of such annuity through a particular agent, broker, or company. Nothing herein contained shall affect the program of life and disability insurance in connection with veterans' farm and home purchases through the Department of Veterans Affairs except that the total life insurance benefit under said program shall in no event exceed one hundred twenty percent (120%) of the unpaid contract balance. Except in those cases where the premium for an annuity is paid entirely from a deduction from or reduction in an employee's salary, nothing contained herein shall affect life or disability insurance programs which may be provided by the state for its employees.

CHAPTER 122

An act to amend Section 1678 of the Business and Professions Code, relating to the practice of dentistry.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1678 of the Business and Professions Code is amended to read:

1678. Upon the revocation of any license, the fact shall be noted upon the records of the board and the license shall be marked as canceled upon the date of its revocation.

CHAPTER 123

An act to provide for field trips to the District of Columbia, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 13, 1970. Filed with
Secretary of State May 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The governing board of any school district may provide for a field trip during the school year to the District of Columbia for pupils enrolled in any of grades 1 through 8, inclusive, to study United States history and government. The governing board may provide for such pupils to be accompanied by those employees of the school district as the governing board deems essential to the activities of the pupils.

SEC. 2. No travel and maintenance expenses of pupils or school district employees making the field trip shall be paid with school district funds. The governing board shall not charge any pupil or employee making the field trip any fee or other charge.

SEC. 3. The governing board shall have no authority to provide or arrange for transportation incident to the field trip by the use of district equipment.

SEC. 4. The governing board of any school district providing for a field trip pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or through group, blanket, or individual policies of accident insurance from an authorized insurer, for pupils or employees of the district injured while participating in such field trip under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district. The cost of the insurance or membership may be paid from the funds of the dis-

trict, or by the insured or, in the case of a pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this state.

The governing board shall require that each person making the field trip obtain medical or hospital insurance.

All persons making the field trip waive all claims against the State of California for injury, accident, illness, or death occurring during or by reason of the field trip.

SEC. 5. The attendance or participation in a field trip authorized by this act shall be considered attendance for the purpose of crediting attendance for apportionments from the State School Fund in any fiscal year. Attendance resulting from such field trip shall be limited to the amount of attendance which would have accrued had the students not been engaged in the field trip.

SEC. 6. This act shall remain in effect until June 30, 1970, and shall have no force or effect after that date.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit pupils to participate in field trips to Washington, D.C., during the 1969-1970 school year, according to schedules which have been established, it is necessary that this act go into immediate effect.

CHAPTER 124

An act relating to the transfer of secondary school teachers to teach in elementary schools in Los Angeles Unified School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 14, 1970. Filed with
Secretary of State May 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provisions of law to the contrary, any employee of the Los Angeles Unified School District in a position at the secondary school level requiring certification qualification may be permitted to teach in grades 4 to 8, inclusive, for a period of time determined by the governing board thereof, but not to exceed two school years. Such employee shall not be permitted to teach in kindergarten and grades 1 to 3, inclusive.

SEC. 3. The provisions of this act shall be operative until July 1, 1972, and thereafter shall have no force and effect.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Los Angeles Unified School District be able to retain its presently employed secondary school certificated employees to teach in grades 4 to 8, inclusive, during the 1970-71 school year as provided for in Section 2 of this bill, it is necessary that this act take effect immediately.

CHAPTER 125

An act to amend Section 12103 of the Education Code, relating to pupil attendance.

[Approved by Governor May 18, 1970. Filed with Secretary of State May 18, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12103 of the Education Code is amended to read:

12103. The county board of education of each county may establish, by resolution, the following regulation requiring the reporting of various types of severance of attendance of or by any pupil subject to the compulsory education laws of California or of any one or more of the types of severance enumerated in subdivision (a) below and may require such reporting of any or all of the private and public schools of the county:

(a) The administration of each private school and public school district of the county shall, upon the severance of attendance by any pupil subject to the compulsory education laws of California, whether by expulsion, exclusion, exemption, transfer, suspension beyond 10 schooldays, or other reasons, report such severance to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address and the reason for each such severance.

(b) It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.

(c) After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Education Code Section 10608 and with the same powers of final decision as therein provided.

CHAPTER 126

An act to amend Sections 15961 and 15962 of the Education Code, relating to school district contracts.

[Approved by Governor May 18, 1970. Filed with
Secretary of State May 18, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15961 of the Education Code is amended to read:

15961. Wherever in this code the power to contract is invested in the governing board of the school district or any member thereof, such power may by a majority vote of the board be delegated to its district superintendent, or to such persons as he may designate, or if there be no district superintendent then to such other officer or employee of the district as the board may designate. Such delegation of power may be limited as to time, money or subject matter or may be a blanket authorization in advance of its exercise, all as the governing board may direct; provided, however, that no contract made pursuant to such delegation and authorization shall be valid or constitute an enforceable obligation against the district unless and until the same shall have been approved or ratified by the governing board, said approval or ratification to be evidenced by a motion of said board duly passed and adopted. The school district official invested by the governing board with such power of contract shall be personally liable to the school district employing him for any and all moneys of said district paid out on any contracts made in violation or disregard of any provision of this section, but may insure himself against such liability with any insurance company authorized to do business in this state, and the cost of such insurance in whole or in part may be made a proper charge against school district funds, in the discretion of the governing board.

SEC. 2. Section 15962 of the Education Code is amended to read:

15962. The governing board by majority vote may adopt a rule, delegating to such officer or employee of the district as the board may designate, the authority to purchase supplies, materials, apparatus and equipment. No such rule shall authorize any officer or employee to make any purchases involving an expenditure by the district of ten thousand dollars (\$10,000) or more. The rule shall prescribe the limits of the delegation as to time, money, and subject matter. All transactions entered into by such officer or employee shall be reviewed by the governing board every 60 days.

The school district officer or employee invested by the governing board with the power to contract shall be personally liable for any and all moneys of the district paid out on any

contracts made in violation or disregard of any provisions of this section or rule adopted thereunder. He may insure himself against such liability with any insurance company authorized to do business in this state. The governing board may make the cost of such insurance in whole or in part a proper charge against school district funds.

CHAPTER 127

An act to amend Sections 18010.5, 18021, 18022, and 18215.5 of, and to repeal Section 18007 of, the Health and Safety Code, relating to housing.

[Approved by Governor May 18, 1970. Filed with
Secretary of State May 18, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18007 of the Health and Safety Code is repealed.

SEC. 2. Section 18010.5 of the Health and Safety Code is amended to read:

18010.5. "Recreational vehicle" is a camp car, motorhome, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

SEC. 3. Section 18021 of the Health and Safety Code is amended to read:

18021. The provisions of this part applicable to mobile-homes shall apply equally to recreational vehicles and commercial coaches except that reasonable variations in standards for recreational vehicles and commercial coaches shall be established by regulations if the department determines such variations will not endanger public health, welfare, or safety.

SEC. 4. Section 18022 of the Health and Safety Code is amended to read:

18022. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the rules and regulations promulgated pursuant thereto, provided any such alternate has been approved.

(b) The department may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and the rules and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and the rules and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the division may require tests or proof of compliance to be made at the expense of the owner or his agent.

SEC. 5. Section 18215.5 of the Health and Safety Code is amended to read:

18215.5. "Recreational vehicle" is a camp car, motorhome, travel trailer or tent trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms.

CHAPTER 128

An act to amend Section 6070 of, and to add Sections 6070.2, 6070.4, and 6070.6 to, the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor May 20, 1970. Filed with
Secretary of State May 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6070 of the Harbors and Navigation Code is amended to read:

6070. Except as otherwise provided in Section 660, the board may pass all necessary ordinances for the regulation of the district, including, but not limited to, ordinances to provide for the protection and safety of persons or the property of persons using district facilities, and persons and property in and upon waters subject to the jurisdiction of the district, and adjacent property owned or controlled by the district.

SEC. 2. Section 6070.2 is added to the Harbors and Navigation Code, to read:

6070.2. Before any ordinance may be adopted, the violation of which shall be a misdemeanor, a notice shall be published once in a newspaper of general circulation published within the district, or if none, in any newspaper of general circulation published in the county in which the district, or a part thereof, is located, stating generally the nature of the ordinance proposed, stating where and when a copy thereof may be inspected, and specifying the date, not less than 20 days from the date of publication of such notice, on which the board will meet for the purpose of adopting the ordinance. The ordinance shall become effective immediately upon adoption by the board, unless another effective date is set forth by the board.

SEC. 3. Section 6070.4 is added to the Harbors and Navigation Code, to read:

6070.4. Every person who violates any of the provisions of a district ordinance adopted pursuant to Sections 6070 and 6070.2 is guilty of a misdemeanor.

SEC. 4. Section 6070.6 is added to the Harbors and Navigation Code, to read:

6070.6. The district's manager, harbormaster or wharfinger, or any duly authorized representative of one of these persons, shall have the power to issue citations for violation of district ordinances in the manner provided by Chapter 5c (commencing with Section 853.6) of Title 3, Part 2 of the Penal Code.

CHAPTER 129

An act to amend Sections 4831, 4834, 4986, and 4990 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 20, 1970. Filed with
Secretary of State May 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4831 of the Revenue and Taxation Code is amended to read:

4831. When it can be ascertained from the roll or any papers in the assessor's office what was intended, or what should have been assessed, defects in description or form or clerical errors of the assessor on the roll or other errors of the assessor not involving the exercise of judgment as to value which result in the entry on the roll of assessed values other than those intended by the assessor may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and prior to the expiration of three years after the making of the assessment which is being corrected.

In the event the correction has the effect of increasing the amount of taxes due on real property for the year or years in which such correction is made, such increased amount of taxes shall not create, impose or constitute a lien or charge on such real property if (a) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon, or (b) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such correction and the showing thereof on the secured roll with the date of entry specified thereon. In such case, the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth in the name of the person who was the assessee in the year in which such correction was

made and the amount or amounts of any such correction. From the date of the recording of such certificate, a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded for the amount of such taxes, which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time, release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

Taxes which do not create, impose or constitute a lien or charge on the property assessed may be transferred from the secured roll to the unsecured roll of the corresponding year by the county auditor on order of the board of supervisors with the written consent of the district attorney and shall be collected in the same manner as other delinquent taxes on the unsecured roll and shall be subject to delinquent penalties in the same manner as taxes transferred to the unsecured roll under Section 4986. The statute of limitations for the collection of such taxes shall commence to run from the date of transfer.

SEC. 2. Section 4834 of the Revenue and Taxation Code is amended to read:

4834. Corrections authorized under this article shall be made on the roll and delinquent roll by the auditor, with the written consent of the district attorney.

In the event a correction authorized by this article has the effect of increasing the amount of taxes due on property which has been sold to the state, such increase shall be entered on the abstract or, if the property has not been sold to the state, the roll prepared or being prepared in the assessment year when it is discovered and, if this is not the roll for the assessment year in which the error was made, the entry shall be followed with "Assessment for the year 19__-19__ pursuant to Section _____ of the Revenue and Taxation Code." It shall be subject to the tax rate in effect in the year of the error.

SEC. 3. Section 4986 of the Revenue and Taxation Code is amended to read:

4986. (1) All or any portion of any tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, be canceled by the auditor on order of the board of supervisors with the written consent of the county legal advisor if it was levied or charged:

(a) More than once.

(b) Erroneously or illegally.

(c) On a portion of an assessment in excess of the ratio of assessed value to the full cash value of the property as provided in Section 401 by reason of the assessor's clerical error.

(d) On property which did not exist on the lien date.

(e) On property annexed after the lien date by the public entity owning it.

(f) On property acquired prior to September 18, 1959, by the United States of America, the state, or by any county, city, school district or other political subdivision and which, because of such public ownership, became not subject to sale for delinquent taxes.

(2) (a) On property acquired after the lien date by the United States of America, if such property upon such acquisition becomes exempt from taxation under the laws of the United States, or by the state or by any county, city, school district or other public entity, and because of such public ownership becomes not subject to sale for delinquent taxes, no cancellation shall be made in respect of all or any portion of any such unpaid tax, or penalties or costs, but such tax, together with such penalties and costs as may have accrued thereon while on the secured roll, shall be paid through escrow at the close of escrow or, if unpaid for any reason, they shall be collected like any other taxes on the unsecured roll. If unpaid at the time set for the sale of property on the secured roll to the state, they shall be transferred to the unsecured roll pursuant to Section 2921.5 of this code, and collection thereof shall be made and had as provided therein, except that the statute of limitations on any suit brought to collect such taxes and penalties shall commence to run from the date of transfer of such taxes, penalties and costs to the unsecured roll, which date shall be entered on the unsecured roll by the auditor opposite the name of the assessee at the time such transfer is made. The foregoing toll of the statute of limitations shall apply retroactively to all such unpaid taxes and penalties so transferred, the delinquent dates of which are prior to the effective date of the amendment of this section at the 1959 Regular Session.

If any property described in this subdivision is acquired by a negotiated purchase and sale, gift, or devise after the lien date but prior to the commencement of the fiscal year for which current taxes are a lien on the property, the amount of such current taxes shall be canceled and neither the person from whom the property was acquired nor the public entity shall be liable for the payment of such taxes. If, however, the property

is so acquired after the commencement of the fiscal year for which the current taxes are a lien on the property, that portion only of such current taxes, together with any allocable penalties and costs thereon, which are properly allocable to that part of the fiscal year which ends on the day before the date of acquisition of the property, shall be transferred to the unsecured roll and be collectible from the person from whom the property was acquired. The portion of such taxes, together with any penalties and costs thereon, which are allocable to that part of the fiscal year which begins on the date of the acquisition of the property, shall be canceled and shall not be collectible either from the person from whom the property was acquired nor from the public entity.

In no event shall any transfer of unpaid taxes, penalties or costs be made with respect to property which has been tax-deeded to the state for delinquency.

For purposes of this subdivision (a) if proceedings for acquisition of the property by eminent domain have not been commenced, the date of acquisition shall be the date that the conveyance is recorded in the name of the public entity or the date of actual possession by the public entity, whichever is earlier. If proceedings to acquire the property by eminent domain have been commenced and an order of immediate possession obtained prior to acquisition of the property by deed, the date of acquisition shall be the date upon or after which the plaintiff may take possession as authorized by such order of immediate possession.

(b) If at the time exemption from sale attaches to land or improvements acquired by a public entity the purchase price thereof is deposited in the registry of a court in an eminent domain proceeding, all delinquent taxes, penalties and costs which were or are a lien against such land or improvements and the pro rata share of the current taxes, penalties and costs which are a lien against such land or improvements, prorated for the fiscal year for which such current taxes, penalties and costs are or will be due and payable, shall be paid out of the award. The date for such proration shall be at the time title was transferred to, or possession was taken by, the public entity, whichever time the court determines to have first occurred. If the amount of the current tax is not ascertainable at the time the proration is made the same shall be estimated and computed by the court based upon the last equalized assessed value of the property in its entirety regardless of any segregation which may occur by reason of the taking, and the tax rate levied on the property for the immediate prior year. The court shall further order canceled the public entity's portion of any prorated current tax. The subject of the amount of the taxes which may be due on the property shall not be considered relevant on any issue in the condemnation action, and the mention of said subject, either on the voir dire examination of jurors, or during the examination of witnesses, or as a part of the court's in-

structions to the jury, or in argument of counsel, or otherwise, shall constitute grounds for a mistrial in any such action.

No cancellation under paragraph (b) of subdivision (1) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney or other officer designated by the city council unless the city council, by resolution filed with the board of supervisors, has authorized the cancellation by county officers. The resolution shall remain effective until rescinded by the city council.

For the purpose of this subdivision the date of possession shall be the date after which the plaintiff may take possession as authorized by order of the court or as authorized by a declaration of taking.

SEC. 4. Section 4990 of the Revenue and Taxation Code is amended to read:

4990. On discovery that any property is assessed by the same taxing agency more than once for the same year, after payment of all charges justly due on the property the county assessor or the person having custody of the roll shall certify the facts to the board of supervisors. The board of supervisors shall then order the auditor to cancel the other charges and assessments by an entry on the margin of the roll and, if carried there, the delinquent and current roll.

CHAPTER 130

An act to amend Section 25363 of the Government Code, relating to disposition of property by counties.

[Approved by Governor May 20, 1970. Filed with
Secretary of State May 21, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 25363 of the Government Code is amended to read:

25363. The board of supervisors may sell or lease at public auction, and convey to the highest bidder, for cash, any property belonging to the county not required for public use. The sale or lease may be made at the courthouse door or at such other place within the county as the board orders by a four-fifths vote. Notice of the sale or lease shall be given for five days prior thereto either by publication in a newspaper published in the county or by posting in three public places in the county. The proceeds shall be paid into the county treasury for the use of the county. If in the unanimous judgment of the board, the property does not exceed in value the sum of seventy-five dollars (\$75), or the monthly rental value thereof is less than seventy-five dollars (\$75), or if it is the

product of the county farm, it may be sold or leased at private sale without advertising by any member of the board authorized by a majority vote of the board. The sale or lease shall be reported to and confirmed by the board. This section does not apply to the furnishing of goods to special districts.

CHAPTER 131

An act to amend Sections 20017.6, 21293.6 and 21364.8 of, and to add Sections 20604, 20750.32, 21252.3, 21252.4, 21257.4 and 21290.6 to the Government Code, relating to forestry members of the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1970. Filed with
Secretary of State May 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20017.6 of the Government Code is amended to read:

20017.6. "Forestry member" includes members employed in the Division of Forestry, Department of Conservation, whose principal duties consist of active fire suppression or supervision including, but not limited to, members employed to perform duties now performed under the following titles: State Forester; all classes of rangers; all classes of deputy state forester; all classes of fire prevention and law enforcement officers; all classes of foresters; fire captain; all classes of fire crew foreman; all classes of forestry trainees; all classes of forestry equipment and civil engineers; forestry superintendent, conservation camps; fire apparatus engineer; fireman, C.D.F.; firefighter (seasonal); equipment maintenance foreman; heavy fire equipment operator; provided however that forestry members shall not include members employed in classes other than those set forth in this section whose principal duties are clerical or such as otherwise clearly do not fall within the scope of active fire suppression.

SEC. 2. Section 20604 is added to the Government Code, to read:

20604. For each forestry member subject to Section 21252.3 of this code, effective on the operative date of this section, or the later date of entrance into this system, the normal rate of contributions shall be 7 percent of compensation paid on and after such operative date.

SEC. 3. Section 20750.32 is added to the Government Code, to read:

20750.32. A public employer's contribution to the retirement fund in respect to forestry members provided by any and all other provisions of this chapter is increased by a sum equal to 7.95 percent of the compensation paid forestry members.

SEC. 4. Section 21252.3 is added to the Government Code, to read:

21252.3. The combined current and prior service pensions for a forestry member, upon retirement after attaining age 55, is a pension derived from contributions of the employer sufficient, when added to that portion of the service retirement annuity which is derived from the accumulated normal contributions of the member at the date of his retirement, to equal one-fiftieth of his final compensation multiplied by the number of years of forestry service with which he is credited at retirement.

In no event shall the pension under this section exceed an amount which, when added to the service retirement annuity related to forestry service, equals 75 percent of final compensation.

This section shall not apply to a person whose effective date of retirement is prior to the operative date of this section or to a person who retires after such operative date and following reinstatement from a retirement having an effective date prior to such operative date and before rendering during such reinstatement at least one year of forestry service.

The Legislature reserves, with respect to any member subject to this section, the right to provide for such adjustment of industrial disability retirement allowances because of earnings of a retired person and modification of the conditions and qualifications required for retirement for disability as it may find appropriate because of the earlier ages of service retirement made possible by the benefits under this section.

SEC. 5. Section 21252.4 is added to the Government Code, to read:

21252.4. A forestry member who, on the first day of the month following the month in which this section is effective, is either (a) in compensated employment in which he is a forestry member or (b) on leave of absence from such employment and who either (1) has attained age 55 or, if on the effective date of this section he is subject to Section 21252.2, or (2) entered forestry service after attaining age 35, shall not be subject to Section 21252.3 but shall continue subject to the provisions of this part applicable to him on such effective date if he so elects by a writing filed in the office of the board on or before the 61st day preceding the operative date of Section 21252.3.

SEC. 6. Section 21257.4 is added to the Government Code, to read:

21257.4. Notwithstanding Section 21257.1, the pension of a forestry member payable under Section 21252.3 shall be reduced only upon retirement for service before attaining age 55 and in that event, the reduction shall be to that amount which the value of the pension as deferred to age 55 will purchase at the actual age of retirement.

SEC. 7. Section 21290.6 is added to the Government Code, to read:

21290.6. Notwithstanding Section 21290.5, a forestry member whose service pension is payable under Section 21252.3 shall receive his service retirement allowance upon retirement for nonindustrial disability after attaining age 55.

SEC. 8. Section 21293.6 of the Government Code is amended to read:

21293.6. Section 21293.5 shall not apply to a forestry member whose retirement for industrial disability was effective after November 30, 1969, and prior to the operative date of the amendments to this section at the 1970 Regular Session of the Legislature.

SEC. 9. Section 21364.8 of the Government Code is amended to read:

21364.8. Section 21364.7 shall not apply to a special death benefit or continued allowance payable with respect to a forestry member whose death occurs or whose retirement was effective after November 30, 1969 and prior to the operative date of the amendments to this section at the 1970 Regular Session of the Legislature.

SEC. 10. Sections 2, 3, 4, 6, 7, 8 and 9 shall be operative on September 1, 1970.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

In order that the state may receive the full public health and safety benefit of the effect of this act, it is funded for implementation as of September 1, 1970 in the Governor's Budget. The measure should take effect on that date to improve the public service by enabling forestry employees subject to the special safety retirement system to know with certainty the nature and extent of their new rights and obligations under their retirement system. Unless this act is passed as an urgency measure, a delay in the implementation of said sections will result to the detriment of public service and jeopardy of life and property.

CHAPTER 132

An act to add Section 14120.2 to the Welfare and Institutions Code, relating to medical assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1970. Filed with
Secretary of State May 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14120.2 is added to the Welfare and Institutions Code, to read:

14120.2. Notwithstanding the provisions of Section 14120, no action shall be taken by the director under subdivision (e)

of Section 14120 at any time during the 1969-70 fiscal year, unless the total amounts paid for any category of service budgeted for less than one hundred million dollars (\$100,000,000) exceeds by 15 percent the amounts scheduled to have been paid by that time.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that prescribed drugs will not be drastically cut or eliminated from the Medi-Cal program for the 1969-70 fiscal year it is essential that this act go into immediate effect.

CHAPTER 133

An act to amend Section 1208 of, and to add Section 4137 to, the Penal Code, relating to prisoners in county facilities.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section

6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this

section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 1.5. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education

in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to

release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 2. Section 4137 is added to the Penal Code, to read: 4137. The board of supervisors of any county in which a county industrial farm, industrial road camp, or honor camp

has been established may, by ordinance, authorize the sheriff or any such person responsible to the board for the care, treatment, and custody of prisoners assigned to him as sentenced misdemeanants or felons, serving time as a condition of probation, to remove such prisoners from the facility to which they have been assigned under custody, without court order, for purposes such as: private medical, vision, or dental care, psychological care, vocational services, educational services, and funerals.

SEC. 3. It is the intent of the Legislature, if amendments to Section 1208 of the Penal Code proposed by both this bill and Assembly Bill 756 are enacted, that both amendments be given effect and incorporated in Section 1208 in the form set forth in Section 1.5 of this act. Therefore, in the event A.B. 756 is enacted and amends Section 1208, Section 1.5 of this act shall become operative at the same time that Section 1208 as amended by A.B. 756 becomes operative, and at that time, Section 1208 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 134

An act to amend Section 31835 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31835 of the Government Code is amended to read:

31835. The average compensation during any period of service as a member of the Public Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days. Such period shall not include any time during which the member was prohibited by law from becoming a member of the system of another county.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

CHAPTER 135

An act to add Section 42795 to the Agricultural Code, relating to lettuce.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 42795 is added to the Agricultural Code, to read:

42795. The board of supervisors of the county may establish reasonable fees to cover the cost incurred by commissioners in the enforcement of Section 48059.

The fees shall be based on the approximate cost of the inspection necessary to enforce Section 48059 or regulations issued pursuant to such section and shall be paid by persons engaged in the chopping or shredding of lettuce.

CHAPTER 136

An act to amend Sections 2 and 3 of Chapter 202, Statutes of 1968, relating to fish.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 202, Statutes of 1968, is amended to read:

Sec. 2. Any permit issued under this act shall be on an experimental basis until its impact on the fishery resource can be ascertained and, therefore, this act shall be applicable only to the waters of Waddell Creek, contained within Santa Cruz County, until the 61st day after final adjournment of the 1975 Regular Session of the Legislature after which time this act shall have no force or effect.

SEC. 2. Section 3 of Chapter 202, Statutes of 1968, is amended to read:

Sec. 3. The commission shall report to the Legislature on any permit granted pursuant to this act, together with any recommendations relating to the subject matter of this act, not later than the fifth legislative day of the 1972 Regular Session of the Legislature.

CHAPTER 137

An act to amend Section 8830 of, and to add Section 8830.5 to, the Fish and Game Code, relating to trawl nets.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8830 of the Fish and Game Code is amended to read:

8830. "Trawl nets" include paranzella nets, beam trawls, otter trawls, midwater trawls, and shrimp trawls.

SEC. 2. Section 8830.5 is added to the Fish and Game Code, to read:

8830.5. Midwater trawls may be used under such rules and regulations as the commission may prescribe.

CHAPTER 138

An act to amend Section 647 of the Public Resources Code, relating to the Division of Forestry, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 647 of the Public Resources Code is amended to read:

647. The director may authorize the State Forester to exercise his power to appoint employees of the Division of Forestry in accordance with the State Civil Service Act. The director may authorize the State Forester or any employee of the division to exercise any power granted to, or perform any duty imposed upon, the director by the State Civil Service Act.

Notwithstanding Section 18932 of the Government Code, the maximum age of a candidate shall be 31 years for any examination for the positions with duties requiring firefighting which normally afford entry into the Division of Forestry service.

SEC. 2. This act shall become operative on September 1, 1970.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The health and safety and property of the public protected by Forestry firemen is dependent upon a vigorous work force of younger men. Unless this act is passed as an urgency measure, a delay in the implementation of said sections will result to the detriment of public service and jeopardy to the public safety.

CHAPTER 139

An act to amend Section 25611 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25611 of the Business and Professions Code is amended to read:

25611. No sign or signs which in whole or in part advertise any alcoholic beverage and exceed in area 720 square inches, and no sign using the words "bar," "barroom," "saloon," or words of like or similar import, except the word "tavern," and the words "cocktail lounge," shall be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises. This section does not apply to buildings, located within a state park, on which signs depicting or reproducing historical conditions and usage may be placed.

Notwithstanding any other provision of this section, signs using the word "saloon" may be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises in any area registered by the Department of Parks and Recreation as a historical landmark.

CHAPTER 140

An act to amend Sections 20708, 20782, 20840, 20849, 20860, 20865 of, and to add Section 20828 to the Business and Professions Code, relating to petroleum.

[Approved by Governor May 25, 1970. Filed with
Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20708 of the Business and Professions Code is amended to read:

20708. (a) "Sell" or any of its variants, as used in this chapter, includes attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery or offer for delivery, trade, barter or expose for sale.

(b) "Manufacturer" includes manufacturer, refiner, producer or importer.

(c) "Petroleum products" includes gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, or white gasoline, or any motor fuel, or any oil represented as lubricating or motor oil, or any oil used to lubricate transmissions, gears or axles.

(d) "Barrel," when applied to petroleum products, shall consist of forty-two (42) gallons.

SEC. 2. Section 20782 of the Business and Professions Code is amended to read:

20782. It is unlawful for any person to sell, offer for sale, or cause or permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product as a fuel for internal combustion engines at any place where petroleum products are

kept or stored for sale, which does not conform to the requirements of this article, unless and until there shall be firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such petroleum product is drawn or poured for sale or delivery, a sign or label, plainly visible, comprising the brand, trademark or trade name of such fuel, or the words "no brand," which words shall be in letters of gothic type with a stroke of not less than one-eighth inch in width and not less than one inch in height, and also the words "not gasoline" in red letters of gothic type with a stroke of not less than one-half inch in width and not less than three inches in height, on a white background and not less than twice the size of any other letters or words appearing on or near the label or sign.

The provisions of this article, as to the words "not gasoline," shall not apply to signs or labels used in connection with the sale or delivery of kerosene, jet or turbine fuel, diesel fuel, liquefied petroleum gas, or motor fuel comprised of a mixture of gasoline and lubricating oil properly labeled in accordance with the provisions of Article 6 of this chapter.

SEC. 3. Section 20828 is added to the Business and Professions Code, to read:

20828. The provisions of this article shall not apply to the sale of motor fuel to aircraft through or from any portable dispensing device.

SEC. 4. Section 20840 of the Business and Professions Code is amended to read:

20840. It is unlawful for any person to sell, offer for sale, assist in the sale of, permit to be sold or offered for sale, or deliver or offer for delivery, any petroleum product referred to in this chapter at any place where petroleum products are kept or stored for sale, unless and until there is firmly attached to or painted upon each container, receptacle, pump, and inlet end of the fill-pipe of each underground storage tank, from which or into which such product is drawn or poured out for sale or delivery, a sign or label plainly visible consisting of the name of such product in letters not less than one-half of an inch in height, together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height. When such sign or label is used in connection with "lubricating oil" or "motor oil," or oils used to lubricate transmissions, gears or axles, the sign or label shall also have in letters and numerals, plainly visible and not less than one-half of an inch in height, the viscosity grade classification number of such product.

The provisions of this section shall apply, with respect to thinners or solvents, only to the sale or delivery or offer for sale of such products through service stations, garages and other retail outlets.

The viscosity grade classification number shall be determined in accordance with the Society of Automotive Engineers latest recommended practice of crankcase oil or transmission and axle lubricant viscosity classification, and shall be preceded by the letters "S.A.E." Lubricating oil, or motor oil or oils used to lubricate transmissions, gears or axles falling within more than one S.A.E. viscosity grade classification shall be labeled to show the grade or grades for which the supplier intends it for use.

On any container with a net content of one United States gallon or less the brand, trademark or trade name, and the S.A.E. viscosity grade classification number or other grade classification number and the words "motor oil," "lubricating oil," "transmission oil," "transmission lubricant," "gear oil," "gear lubricant," "axle oil," or "axle lubricant" may be painted, printed, embossed or otherwise firmly affixed on such containers in letters and numerals not less than one-sixteenth inch in width and not less than one-fourth inch in height, and such designation shall constitute compliance with the provisions of this section.

SEC. 5. Section 20849 of the Business and Professions Code is amended to read:

20849. It is unlawful for any person to deposit or deliver, or permit to be deposited or delivered, into any tank, pump, container or receptacle, or into any bottle or bottles kept in a basket, stand or rack, at any place where petroleum products are kept or stored for sale, any petroleum product referred to in this chapter, other than that indicated by the brand, trademark, trade name, or in the case of lubricating oil or motor oil, or oils used to lubricate transmissions, gears or axles, the S.A.E. classification number or other viscosity grade classification number displayed on the tank, pump, container, receptacle, bottle, basket, stand or rack, or the inlet end of the underground storage tank, except as provided in this chapter.

SEC. 6. Section 20860 of the Business and Professions Code is amended to read:

20860. It is unlawful for any person to transport in any tank vehicle, for the purpose of sale, or for delivery to any place where petroleum products are kept or stored for sale, any petroleum product referred to in this chapter unless and until there is compliance with either of the following:

(a) There shall be firmly attached to or affixed at each outlet faucet or valve of each such tank vehicle, a metal tag, plate or label, on which is displayed in letters not less than one-half inch in height, the name of the particular product in the tank compartment of the tank vehicle with which such valve or faucet is connected and the brand, trademark or trade name of such product, or the words "no brand," and in the case of lubricating oil or motor oil, the S.A.E. classification shall also be displayed in letters and numerals not less than one-half inch in height.

(b) The tank vehicle shall be equipped with a meter conforming to the provisions of this article relating to meters.

SEC. 7. Section 20865 of the Business and Professions Code is amended to read:

20865. (a) In the event that the compartments of a tank vehicle are connected to a common outlet, no compartment so connected shall contain a product different than the product as contained in any other compartment unless adequate provision is made to avoid intermixture.

(b) In the event that a tank vehicle is equipped with a meter, or meters, for the purpose of measuring the quantity of fluid withdrawn from the tank vehicle, no such meter shall be alternately used for the measurement of different products.

This section does not prohibit transporting two or more grades of gasoline, or of other motor fuel, or of kerosene, or of burner oil, at any one time in all compartments whose contents are to be measured by the one meter.

In the application of this section to deliveries to the fuel tank of any aircraft, it is unlawful to handle gasolines specifically refined or manufactured for the operation of aircraft engines and gasolines not specifically refined or manufactured for the operation of aircraft engines through the same meter.

CHAPTER 141

An act to amend Sections 2, 4, 6, 12, 13, 16, 17, 17.1, 26, 27, 31.5, 36, 37, 52, 64, 67, and 72 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 2. The "Orange County Water District" shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;
5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery, facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment and

protect the quality of the common water supplies of said district, and purposes incidental thereto;

6. For the common benefit of said district and for the purpose of replenishing, regulating and protecting the ground water supplies within the district to:

(a) Store water in underground water basins or reservoirs within or outside of said district;

(b) Appropriate and acquire water and water rights within or outside of said district;

(c) Purchase and import water into said district;

(d) Conserve water within or outside of said district;

(e) Buy and to sell water at such rates as shall be determined by the board of directors;

(f) Exchange water;

(g) Distribute water to persons in exchange for ceasing or reducing ground water extractions;

(h) Transport, reclaim, purify, treat, inject, extract, or otherwise manage and control water for the beneficial use of persons or property within the district and to improve and protect the quality of the ground water supplies within the district; and

(i) Fix the terms and conditions of any contract under which owners or operators of water-producing facilities within the district may agree to use water from an alternative nontributary source in lieu of ground water, and to such end the district may become a party to such a contract and may pay from district funds such portion of the cost of water from an alternate source as will encourage the purchase and use of the same in lieu of producing ground water, as long as persons or property within the district are directly or indirectly benefited by the resulting replenishment;

(j) Determine in the manner herein provided the amount and percentage of water produced from the ground water supplies within the district to the total amount of water produced within district by all persons and operators, including the total amount of water from supplemental sources; require that persons and operators produce more or less of their total water needs from the ground water within district than the basin production percentage determined by district as provided herein; levy a basin equity assessment on those persons and operators who are required by district to produce, or have in fact produced, more water from the ground water within district; and to compensate other such persons and operators who are directed by district to produce less than the basin production percentage from ground water within district;

7. To provide for the protection and enhancement of the environment within and outside such district in connection with the water activities of such district;

8. To provide, by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of such district which shall not interfere, or be inconsistent, with the primary use

and purpose of such lands, facilities, and works by such district;

9. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination of water within said district or exporting water outside of said district's boundaries or any threat thereof;

10. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipelines, water distributing systems, waterworks, or powerplants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plantlife. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights-of-ways upon and across and under which to construct pipelines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of directors to so do. Subject to the express limitations hereinbefore set out, in any proceedings relative to the exercise of such right of eminent domain, said district shall have the

same rights, powers and privileges as a municipal corporation;

11. The district shall, in addition to the other powers herein granted by this act, have the following rights and powers: to act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

12. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

13. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

14. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

SEC. 2. Section 4 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 4. The government of said district shall be vested in said board of directors to consist of 10 members to be elected or appointed as hereinafter provided; a president, a first vice president, a second vice president, a secretary and an assistant secretary who shall be appointed and hold office at the pleasure of the said board of directors; the county treasurer, county assessor, county tax collector, and county auditor of said Orange County and their successors in office, and all their deputies, assistants, clerks and employees, which county officers shall perform the same respective duties for said district as they perform for said Orange County, without additional compensation, in order to carry out the provisions of this act, when so requested by said district.

Said board of directors may appoint and employ an attorney or attorneys, and an engineer or engineers for said district and such other officers and employees for said district as in their judgment may be deemed necessary, and prescribe their duties and powers and compensation, which officers and employees shall hold office or be employed during the pleasure of the said board of directors.

SEC. 3. Section 6 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 6. A majority of the members of the board shall constitute a quorum for the transaction of business. The board of directors shall act only by resolution or motion. Resolutions and motions may be adopted by a voice vote, but on demand of any member the roll shall be called. No motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. Any hearings or meetings held by said district or its board of directors as required

by this act or in carrying out the provisions of this act may be continued or adjourned from time to time. Each director shall receive the sum of thirty-five dollars (\$35) and a reasonable sum for mileage to be fixed by the board from time to time for each meeting of the board of directors attended by him. A director shall receive additional compensation not exceeding thirty-five dollars (\$35) per day as shall be fixed and allowed by the board from time to time for his services while otherwise employed by authority of the board on the business of the district; also subject to approval of the board, reasonable compensation for all traveling and other expenses, including mileage incurred by him in such employment.

SEC. 4. Section 12 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 12. An election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, in those divisions of 1 to 7 inclusive, at which directors for said district shall be elected to fill the offices of the directors whose terms of office shall expire at noon on the last Friday in that month, in accordance with the provisions of the Uniform District Election Law.

In Divisions 8, 9 and 10 of said district, the governing body of the city comprising each such division shall appoint the director to represent such division upon the board of directors, to serve at the pleasure of such governing body. Within 60 days after the amendment to this act shall take effect, the governing bodies of all of such cities shall appoint such director who shall qualify in all matters as an elected director.

Vacancies occurring in the board of directors by reason of death, resignation or otherwise, shall be filled by appointment by the remaining directors in office, except that if the vacancy is that of an appointed director, the appointing body shall appoint a successor. A director so appointed shall hold office for the unexpired term of his predecessor.

Each director shall execute an official bond in the sum of one thousand dollars (\$1,000) which shall be approved by a judge of the Superior Court of the County of Orange, and shall be recorded in the office of the county recorder of such county, and then filed with the secretary of the board of directors. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers.

Premiums for bonds required by this act shall constitute a proper charge against said district.

SEC. 5. Section 13 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 13. At the regular meeting of the board of directors in December following the election, the directors elected at that election, those whose terms have not expired and those appointed, shall meet and organize as a board, elect a president and a first and second vice president, and may appoint a secretary and assistant secretary, who shall each hold office at

the pleasure of the board. Each director appointed or elected shall hold office until his successor is elected, or appointed, and has qualified. The term of office of each elected director is hereby fixed at four years, except as herein otherwise provided or as provided in the Uniform District Election Law. The office of said district shall be established by the board of directors at some proper and convenient place within the County of Orange, but does not have to be established or maintained within said district. After the office is once established, it shall not be changed without giving notice thereof by posting in three public places within said district and by publishing a similar notice pursuant to Section 6066 of the Government Code at least once a week for two weeks in some newspaper of general circulation published in said Orange County.

The secretary and assistant secretary of said district need not be one of the directors. The salary of the secretary and assistant secretary and amount of the bond to be given for the faithful performance of their duties shall be fixed by the board of directors. The bond of the secretary and assistant secretary of said district shall be recorded in the office of the recorder of said Orange County and then filed with the president of the board of directors of said district.

SEC. 6. Section 16 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 16. The board of directors at their regular monthly meeting in October of each year shall render and immediately thereafter cause to be filed with the secretary and posted conspicuously in the office of said district a verified statement of the financial condition of said district, showing in detail the receipts and disbursements during the last preceding year, together with the sources of said receipts and purposes of said disbursements. A summary of said statement shall be published pursuant to Section 6066 of the Government Code in some newspaper published in said district, and shall refer to the itemized statement filed and posted in the office of said district for further particulars.

For the purpose of rendering such statement, said district shall designate a certified public accountant who shall make an independent audit of the accounts and other evidences of financial transactions of the district during the preceding year. Such certified public accountant shall have no personal interest directly or indirectly in the financial affairs of said district.

SEC. 7. Section 17 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated

or authorized purposes of the district for the current fiscal year, including the purchase of supplemental water for the replenishment of ground water supplies of said district and amounts necessary for the payment of the principal of and interest on any bonded debt of the district as it becomes due. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or authorized for the current fiscal year other than projects and works which the board of directors shall deem advisable or necessary to finance by bonded indebtedness; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers; to purchase supplemental water, in addition to water purchased from replenishment funds, for the replenishment of ground water supplies of the district. In estimating the general funds needed by said district, all general funds on hand which are or will be expended at the end of the fiscal year, other than (1) funds allocated to the general reserve by said board of directors; (2) funds allocated to the appropriation for contingencies by said board of directors, shall be considered as funds on hand.

Provided, however, that the amount of the general assessment levied during any year, excluding the amounts necessary for the payment of the principal of and interest on any bonded debt of the district, shall not exceed twenty cents (\$0.20) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County. Provided, further, however, that a tax rate in excess of eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, shall not be established unless authorized by an affirmative vote of eight of the members of the Board of Directors of the Orange County Water District. The general assessments provided for in this section shall in no event exceed eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of mineral rights, where such mineral rights are assessed separately from the land. All funds derived from said general assessment in excess of those derived from eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, as hereinabove provided, of any general assessment shall be deposited and applied to the water reserve fund. The amounts deposited and applied to the water reserve fund shall be used solely and exclusively for the purpose of:

(a) The purchase of supplemental water for the replenishment of the ground water supplies of said district; and

(b) Acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and

(c) Acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects or works or for the purposes of the district and to carry out the provisions of this act.

In addition to the purchase of supplemental water for the ground water supplies of said district from the water reserve fund and from the replenishment fund, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general fund upon the affirmative vote of at least eight members of the board of directors.

SEC. 8. Section 17.1 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 17.1. "General reserve" means funds allocated from the general fund used to meet cash requirements before the proceeds from taxes are available and to meet emergency expenditures. The amount of said general reserve shall not at any time exceed the sum of six hundred thousand dollars (\$600,000).

"Appropriation for contingencies" means funds allocated from the general fund to cover expenditures that have not been provided for or that have been insufficiently provided for or for unappropriated requirements. Said appropriation for contingencies shall not at any time exceed the sum of two million dollars (\$2,000,000).

SEC. 8.5. Section 26 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 26. On the second Wednesday in February of each year, the engineering investigation and report shall be delivered to the secretary of said district in writing. Said secretary shall publish pursuant to Section 6061 of the Government Code a notice of the receipt of such report and of the public hearing to be held on the date of the regular meeting of the board of directors in March in a newspaper of general circulation, printed and published within said district, at least 10 days prior to the date at which the public hearing regarding ground water conditions shall be held. Said notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within said district to call at the offices of said district to examine said engineering investigation and report.

There shall be held, by the board of directors, on the date of the regular meeting of the board of directors in March of each year, at the district offices a public hearing at which time any operator of a water-producing facility within said district or any person interested in the condition of the ground water

supplies of said district may in person or by representative appear and submit evidence concerning the ground water conditions of said district. Appearances, also, may be made supporting or protesting said written engineering investigation and report. Said board of directors shall, before the levy of the replenishment assessments, find and determine the average annual overdraft for the immediate past five water years; the estimated annual overdraft for the current water year; the estimated annual overdraft for the ensuing water year; the accumulated overdraft as of the last day of the preceding water year; the estimated accumulated overdraft as of the last day of the current water year; the amount of water which should be purchased for the replenishment of the ground water supplies of said district for the ensuing water year, and the sum of money necessary therefor.

Such finding and determination by said board shall be conclusive and binding upon all persons and parties.

SEC. 9. Section 27 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 27. If the board of directors finds and determines that an overdraft, either annual or accumulated, does exist, then said board may levy and assess a charge or replenishment assessment against all persons operating water-producing facilities and producing water during the ensuing water year, which assessment or charge shall be computed and fixed at a uniform rate per acre-foot of such water production.

The total of the replenishment assessment levied in any year shall not exceed an amount of money found to be necessary to purchase sufficient water to replenish the average annual overdraft for the immediate past five water years plus an additional amount of water sufficient to eliminate over a period of not less than 10 years nor more than 20 years, the accumulated overdraft; provided, further, that the replenishment assessment in any year as computed and fixed at a uniform rate per acre-foot of water produced shall not exceed five dollars and fifty cents (\$5.50) per acre-foot of water produced except upon the vote of eight directors of said district.

On the date of the regular meeting of the board of directors in April of each year the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a replenishment assessment and fixing the rate thereof. In computing and fixing the replenishment assessment rate, there shall be allowed such percent, not to exceed 10 percent, as shall be determined by the board of directors of the district for delinquencies. Notice of such hearing shall be published in the district pursuant to Section 6061 of the Government Code, at least 10 days prior to the date set for said hearing.

Any replenishment assessment levied by this section shall be in addition to any general assessment levied by said district.

Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility

where the production of water therefrom is otherwise properly assessed, or in the making or extension of any assessment upon the records, which do not affect the substantial rights of the assessee or assesses, shall not invalidate the assessment.

SEC. 10. Section 31.5 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 31.5. Basin equity assessments, as well as production requirements and limitations on persons and operators within the district are declared to be in furtherance of district activities in the protection of water supplies for users within the district which are necessary for the public health, welfare and safety of the people of this state. The basin equity assessments, as well as the production requirements and limitations provided for herein, are authorized to be levied upon and applied to all persons and producers within such district for the benefit of all who rely directly or indirectly upon the ground water supplies of such district.

The proceeds of the basin equity assessments levied and collected shall be used exclusively as provided for herein to equalize the cost of water to all persons and operators within the district.

"Supplemental sources" as used in this act means sources of water outside the watershed of the Santa Ana River such as but not limited to water produced from the Metropolitan Water District of Southern California.

"Basin production percentage" as used in this act means the ratio that all water to be produced from ground water supplies within the district bears to all water to be produced by persons and operators within the district from supplemental sources as well as from ground water within the district during the ensuing fiscal year.

(a) Annually the district shall order an investigation and report to be prepared by an engineer or engineers employed by such district. The investigation and report shall set forth the following information, together with such other information as the district may desire, relating to the preceding fiscal year:

(1) Amount of water produced by persons and operators from ground water within district;

(2) Amount of water produced by persons and operators from supplemental sources;

(3) Amount of water produced by persons and operators from all other sources;

(4) Condition of ground water supplies within district;

(5) Information as to the probable availability of water from supplemental sources during the next succeeding fiscal year;

(6) The cost of producing water from ground water within district, including any replenishment assessment of district;

(7) The cost of water produced within the district from supplemental sources.

(b) On the second Wednesday in February of each year the engineering investigation and report provided for herein shall be delivered to the secretary of such district, in writing. The secretary shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Wednesday of March, in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing regarding water supplies within the district shall be held. The notice, among other information which the district may provide therein, shall contain an invitation to all persons or operators within the district to call at the offices of said district to examine said engineering investigation and report. There shall be held, by the board of directors on the date of the regular meeting of the board of directors in March of each year, a public hearing at which time any person or operator within the district or any person interested in the amounts and source from which all persons and operators produce their total supply of water as well as the estimated difference in the cost of water produced from ground water within district or supplemental sources, may in person, or by representative, appear and be heard.

(c) On the date of the regular meeting of the board of directors in April of each year, the board of directors shall hold a public hearing for the purpose of determining the need and desirability of levying a basin equity assessment and the amount thereof as well as the need for establishing production requirements and limitations and the extent thereof as to each person or operator within the district for the ensuing fiscal year. In computing and fixing the amount of any such basin equity assessment the board may allow a percent not to exceed 10 percent, as shall be determined by the board of directors of the district, for delinquencies. Notice of the proposed hearing shall be published in the district pursuant to Section 6061 of the Government Code at least 10 days prior to the date set for said hearing.

Such notice shall set forth the following:

(1) That a report regarding water supplies within district has been prepared;

(2) The date, time and place of the proposed hearing;

(3) The board shall consider at said hearing the need and desirability of levying a basin equity assessment and the amount thereof as well as the need for establishing production requirements and limitations on persons and operators within the district for the ensuing fiscal year;

(4) An invitation to all persons and operators to appear at the public hearing and be heard in regard to any of the foregoing matters.

(d) At the hearing the board shall hear, take, and receive all competent evidence presented and offered in regard to the need for a basin equity assessment, production requirements

and limitations in general, and specifically, the extent of such requirements or limitations as to each person or operator within the district, the amount of the basin equity assessment which shall be levied against all persons and operators for all purposes other than irrigation at a uniform rate and may be levied against all persons and operators for irrigation purposes at a different uniform rate for the ensuing fiscal year. Subsequent to the hearing, the board may, by adopting a resolution which resolution shall require the vote of eight members of the board, find and determine for the ensuing fiscal year as follows:

(1) The estimated total amount of water to be produced by all persons and operators within the district from the ground water within the district and the estimated amount to be produced by such persons and operators from supplemental sources;

(2) The basin production percentage;

(3) That a basin equity assessment and production requirement and limitation from ground water within the district are necessary for the protection of the water supply of district;

(4) The amount of the basin equity assessment to be levied against all persons and operators in a dollar amount per acre-foot of water produced from the ground water supply for all purposes other than irrigation and that such amount is reasonable;

(5) The amount of the basin equity assessment to be levied against all persons and operators in a dollar amount per acre-foot of water produced from the ground water supply for irrigation purposes and that such amount is reasonable;

(6) Production requirements or limitations on persons and operators within the district shall be applicable during the ensuing fiscal year. Such requirements and limitations shall be on the amount of ground water produced by such persons and operators expressed in a percentage of overall water produced or obtained by such persons or operators from ground water within the district and from supplemental sources;

(7) That during the ensuing fiscal year, upon the district giving published notice thereof, pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published within district at least 10 days prior to such a hearing, a subsequent public hearing may be held to modify the basin production percentage, the basin equity assessment, or any production requirement or limitation established by the district. Such modifications, if any, shall be effective on the date established by the board and district shall give notice of such modification 10 days prior to the effective date thereof in the manner provided hereafter in subdivision (e).

The board may exclude all persons and operators who produced 25 acre-feet or less of water from ground water within district during the ensuing fiscal year for all purposes other

than irrigation from the levy of the basin equity assessment and the production requirements and limitations provided for herein.

The board may exclude all persons and operators who produced 25 acre-feet or less of water from ground water within the district during the ensuing fiscal year for irrigation purposes from the levy of the basin equity assessment and the production requirements and limitations provided for herein.

The findings and determinations of the board in regard to any of the foregoing shall be final, conclusive and binding upon all persons and parties.

(e) The district shall thereafter, and in any event prior to July 1 in each year, give notice to each person or operator within the district which notice shall state:

(1) The amount of the basin equity assessment per acre-foot of water produced for purposes other than irrigation and the amount of the basin equity assessment per acre-foot of water produced for irrigation purposes;

(2) The basin production percentage; and

(3) The production requirement or limitation upon the person or operator.

The notice provided for herein and the notice of any subsequent modifications may be sent by post card or by other first-class mail with postage prepaid by the district

(f) Each person or operator within the district not excluded from the levy of the basin equity assessment and the production requirements and limitations, shall file with the district, on or before the 31st day of July of each year, a basin equity assessment report in the form prescribed by district setting forth the total amounts of water produced from ground water within the district and from supplemental sources during the preceding fiscal year by such person or operator. The statement shall be verified by a written declaration under penalty of perjury. In the event that the person or operator has been required by the district to produce or has in fact produced more water from ground water within district than the equivalent of the basin production percentage determined by district, such person or operator shall pay to district, on or before July 31, an amount determined by the number of acre-feet of water which such person or operator has produced from ground water within the district in excess of the acre-foot equivalent of the basin production percentage multiplied by the applicable basin equity assessment rate. In the event that a person or operator, pursuant to the requirement of district, has produced from ground water within district less than the equivalent of the basin production percentage, such person or operator, on or before the 30th day of September, shall be paid by district from the basin equity assessment fund an amount determined by the number of acre-feet by which the production of such person or operator from ground water as required by the district is less than the acre-foot equivalent of the basin production percentage multiplied

by the applicable basin equity assessment rate, or if the production of such person or operator from ground water is more than the production required by the district and less than the equivalent of the basin equity production percentage, then such person or operator shall be paid by district an amount determined by the number of acre-feet by which the actual production of such person or operator from ground water is less than the acre-foot equivalent of the basin production percentage multiplied by the applicable basin equity assessment.

(g) If any person or operator shall fail to pay the amount due by reason of the basin equity assessment when due, the district shall charge interest at the rate of 1 percent each month on said delinquent amount due. Should any person or operator within the district fail to file a basin equity assessment report on or before the 31st day of July of any year, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such operator in the amount of 10 percent of the amount found by said district to be due.

The district may, from time to time, require other reports from persons and operators as necessary and desirable in the application of the basin equity assessment procedures provided herein.

Upon good cause shown an amendment to any report required under this section may be filed or a correction of any such report may be made within six (6) months after the date such report was filed with the district.

SEC. 11. Section 36 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 36. The district shall not be bound by any contract except as hereinafter provided unless the same shall be made in writing by resolution of the board of directors and properly executed by its officers who have been so authorized to do by said district. The approval of the form of all contracts shall be endorsed thereon by an attorney for said district.

Every expenditure by said district other than the purchase of water to replenish the ground water supplies therein and the repair of district equipment, and in an amount in excess of five thousand dollars (\$5,000) shall be made by said district with the lowest and best bidder after the publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation published within said district, of a notice calling for bids and fixing a period during which such bids will be received, which shall be not less than 10 days after the publication of said notice. The district may reject any and all such bids presented and may readvertise in its discretion. After rejecting such bids or if no bids are received, said district may determine and declare that in its opinion, based on estimates submitted by the engineer for said district, any work may be performed better or more economically by said district with its own employees, or after hiring additional

employees; and after the adoption of a resolution to this effect by at least seven affirmative votes of the directors of said district, said district may proceed to have such work done in the manner stated and without further observance of the provisions of this section.

Expenditures, likewise, may be incurred or contracts let or work undertaken without advertising for bids if such work shall be deemed by said district to be of urgent necessity for the preservation of life, health or property and shall be authorized by a resolution passed by at least eight affirmative votes of the board of directors and containing a declaration of the facts constituting such urgency.

Any person or persons to whom a contract may be awarded shall enter into a bond, with good and sufficient sureties, to be approved by the board, payable to said district for its use, for at least 25 percent of the amount of the estimated contract price, conditioned for the faithful performance of said contract. The work shall be done under the direction and to the satisfaction of the engineer of said district, and be subject to approval by the board of directors of said district.

SEC. 12. Section 37 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 37. No claim shall be paid by the treasurer until allowed by the board, and only upon a warrant signed by the president and countersigned by the secretary. The said county treasurer shall report at such times as the board of directors shall request, the amount of money of said district in the county treasury. The amount of receipts and the amount or amounts paid out of the district funds since the last preceding report; said report shall be verified and filed with the secretary of the board.

SEC. 13. Section 52 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 52. The secretary of the board of directors shall cause a notice of the filing of said petition to be published in the district pursuant to Section 6066 of the Government Code. The notice shall state the purpose of the petition and describe the boundaries of the tract of land proposed to be included and give the names of the petitioners, and it shall notify all persons interested in or that may be affected by the proposed inclusion of said land within the district to appear at the office of said board at a time named in said notice for the hearing of said petition, and objections thereto and show cause in writing, if any they have, why said land or any of it should not be included as proposed in said petition. The time to be specified in the notice for the hearing of said petition and any objections thereto shall be the regular meeting of the board next after the expiration of the time for the publication of said notice. The petitioners shall advance to the secretary sufficient money to pay for the publication of said notice, otherwise the secretary shall refuse to publish the same.

SEC. 13.5. Section 64 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 64. In case land is included within the district as aforesaid, the board of directors thereof, not less than 30 days before any election in said district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to include said land therein and so as to make said divisions as nearly equal in population as may be practicable. In case of the inclusion of any land less than 30 days before an election within said district, the inhabitants of the land so included shall not be entitled to vote at said election. Such included land shall become part of existing divisions of said district and by inclusion of additional lands the number of the divisions of said district or the number of directors of said district shall not be changed.

SEC. 14. Section 67 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 67. The secretary of the board of directors shall cause a notice of the filing of such petition to be published in the district pursuant to Section 6066 of the Government Code. The notice shall state the filing of such petition, the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition; and it shall notify all persons interested in, or who may be affected by such change of the boundaries of the district, to appear at the office of said board at a time named in said notice, and show cause, in writing, if any they have, why the change of the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

SEC. 15. Section 72 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is amended to read:

Sec. 72. In case land is excluded from the district as aforesaid, the board of directors thereof not less than 30 days, before any election in such district thereafter, shall reestablish the boundaries of the divisions and election precincts within said district, so as to make said divisions as nearly equal in population as may be practicable.

CHAPTER 142

An act to amend Section 14098 of, and to repeal Section 14097 of, the Agricultural Code, relating to pesticides and pest control.

The people of the State of California do enact as follows:

SECTION 1. Section 14097 of the Agricultural Code is repealed.

SEC. 2. Section 14098 of the Agricultural Code is amended to read:

14098. Any wholesaler or jobber of any economic poison may sell thallium to any person that is authorized to possess it pursuant to Sections 14093 to 14096, inclusive, or for export.

CHAPTER 143

An act to amend Section 4831.5 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4831.5 of the Revenue and Taxation Code is amended to read:

4831.5. When it can be ascertained by the assessor from an audit of an assessee's books of account or other papers that there has been a defect of description or clerical error of the assessee in his property statement or in other information or records furnished to the assessor which caused the assessor to assess taxable tangible property which should not have been assessed or to assess it at a substantially higher valuation than he would have entered on the roll if the information had been correctly furnished to the assessor, the error on the roll may be corrected under this article at any time after the roll is delivered to the auditor by the clerk of the county board and within the time allowed for assessing property which has escaped assessment as provided in Section 532 of this code. The extent and character of the change to be made on the roll shall be certified to the auditor by the assessor.

CHAPTER 144

An act to add Section 401.3 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 401.3 is added to the Revenue and Taxation Code, to read:

401.3. The assessor shall assess all property subject to general property taxation according to its value on the lien date.

CHAPTER 145

An act to repeal Section 62216 of the Agricultural Code, relating to milk.

[Approved by Governor May 25, 1970. Filed with Secretary of State May 25, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 62216 of the Agricultural Code is repealed.

CHAPTER 146

An act to add Section 25307 to the Government Code, relating to salaries of county employees.

[Approved by Governor May 28, 1970. Filed with Secretary of State May 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25307 is added to the Government Code, to read:

25307. All meetings conducted by the board pertaining to salaries of county employees shall be open and public except as provided in Section 54957.6. Such meetings shall be announced by the board at its regular meeting next preceding the meeting regarding such salaries or included in the regular published agenda of the board.

CHAPTER 147

An act to add Sections 14985, 14986 and 14987 to the Elections Code, relating to voting machines.

[Approved by Governor May 28, 1970. Filed with Secretary of State May 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14985 is added to the Elections Code, to read:

14985. The commission may study, and adopt regulations governing, the use of voting machines and vote tabulating devices.

SEC. 2. Section 14986 is added to the Elections Code, to read:

14986. The commission may investigate any alleged violation of its regulations, with power to subpoena all necessary persons and records.

SEC. 3. Section 14987 is added to the Elections Code, to read:

14987. A copy of each election computer program for an election in the state shall be filed with the Secretary of State at least one week before the election. Copies of any subsequent alterations in the program shall be filed in the same manner prior to the election.

CHAPTER 148

An act to amend Sections 310 and 321 of, and to add Sections 321.5 and 321.7 to the Elections Code, relating to registration of voters and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1970. Filed with
Secretary of State May 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's social security number. If his social security number is not immediately available, the affiant may mail the number to the county clerk on an addressed post card provided for that purpose. Notwithstanding this section or Section 321, no person shall be denied the right to register because of his failure to furnish his social security number.

(e) Affiant's occupation.

(f) The country or state of affiant's birth.

(g) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress.

When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(h) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he cannot mark the ballot, in which case the nature of such disability shall be stated.

(i) Whether the affiant has been convicted of a felony which disqualifies him from voting. (Not all felony convictions disqualify him from voting.)

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of the Elections Code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, _____ Precinct in said county and request that said registration be canceled.
--------------------------------------	--

AFFIDAVIT OF REGISTRATION

State of California, }
 County of (-----) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the state one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top. If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____
 Streets, _____ floor, Room ____.

4. My occupation is -----
 5. My height is ----- feet ----- inches.
 6. I was born in -----

(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

- a. Decree of court.
 b. { Father's naturalization. e. Naturalization of my
 { Mother's naturalization. husband.
 c. Citizenship of father. f. Act of Congress.
 d. Marriage to a citizen. g. Treaty.

Where { city } -----
 { state }

My { father's }
 { husband's } name is (was) -----
 { mother's }

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can ----- read the Constitution in the English language; I can ----- write my name; I am entitled to vote by reason of having been on October 10, 1911, an elector.

I can ----- mark my ballot by reason of -----
 (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the ----- Party. (If affiliation is not given, write or stamp "Declines to state.")

10. I have not been convicted of a felony which disqualifies me from voting. (Not all felony convictions will disqualify you from voting.)

11. My social security number is ----- (may be omitted).

 (Affiant sign here.)

Residence-----

Subscribed and sworn to before me this
 ----- day of -----, 19-----

 County Clerk.

By-----

Deputy County Clerk.

Assembly District -----

Post office address is ----- Precinct -----

Rural Route No. ----- Box No. -----

SEC. 3. Section 321.5 is added to the Elections Code, to read:

321.5. The county clerk, upon request, shall determine whether a person who has been convicted of a felony is qualified to vote. If the county clerk determines in the person's favor, the person may lawfully swear that he has not been

convicted of a felony which disqualifies him from voting, and the county clerk shall so inform him. If the county clerk does not determine in the person's favor, he shall inform the person of his right to file in the superior court under Section 350 for a judicial determination of his eligibility to register and vote.

SEC. 4. Section 321.7 is added to the Elections Code, to read:

321.7. Each affiant who has doubt as to his right to register and vote because he has been convicted of a felony shall be given a printed statement by the deputy registrar advising him that not all felony convictions disqualify him from voting under the Constitution, that he should contact the county clerk to obtain a legal determination of his eligibility to register and vote based on his felony conviction, and that if the county clerk determines he has been convicted of a felony which disqualifies him from voting, he has a right to file in the superior court under Section 350 for a judicial determination of his eligibility to register and vote.

SEC. 5. Notwithstanding the provisions of Sections 1 and 2, affidavit forms printed prior to the effective date of this act may be used until the supply is exhausted.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This statute must go into immediate effect in order to allow printing of revised affidavit forms in time for the direct primary election June 2, 1970.

CHAPTER 149

An act to add Section 7153.6 to the Financial Code, relating to savings and loan associations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 23, 1970. Filed with
Secretary of State May 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7153.6 is added to the Financial Code, to read:

7153.6. Notwithstanding any other provision of this division, but subject to the regulations of the commissioner, an association may make amortized loans upon the security of improved real property on which the principal improvement consists of one or more structures containing one or more dwelling units which are subject to the leased housing program authorized by the United States Housing Act of 1937, as amended.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Recent amendments to federal regulations governing federally chartered savings and loan associations with respect to loans made under provisions of the United States Housing Act have made state-chartered associations noncompetitive with respect to such types of loans. In order to keep state-chartered associations on a competitive basis with their federal counterparts it is thus necessary that this act take effect immediately.

CHAPTER 150

An act to add Section 21264.1 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21264.1 is added to the Government Code, to read:

21264.1. Upon the death of a local miscellaneous member, other than a school member, after the effective date of the employing contracting agency's election to be subject to this section, and after the effective date of his retirement for service or for disability, whether such effective date is before or after the date of the employing contracting agency's election, Section 21264 shall apply to such member with respect to allowances based upon service rendered to such employing contracting agency but excluding any portion of allowances based upon police service or fire service or which was derived from accumulated additional contributions of the member.

A contracting agency's election to be subject to this section shall be by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among employees is not required, or by express provision of a contract entered into after the date this section takes effect.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for local contracting agencies to make the benefits provided by the act available to their employees at the start of the 1970-71 fiscal year, this act must take effect immediately.

CHAPTER 151

An act to Add Section 269 to the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 269 is added to the Revenue and Taxation Code, to read:

269. Notwithstanding any other provision of law, whenever a valid application for exemption is filed pursuant to Section 270, 271.3, 271.4, or 277 and the assessor receives the board finding pursuant to Section 254.5 prior to the completion of the roll for the year for which the exemption is claimed, the assessor shall enroll the property so as to provide for the amount of exemption on the property's assessed value as provided by the applicable section.

When the application for exemption or the finding of the board for such application is received after completion of the roll, the assessor shall initiate an action to the board of supervisors to correct the roll by addition of the appropriate amount of exemption on the property. If approved, the auditor shall make the appropriate adjustment on the roll.

Where applicable, the tax, penalty or interest subject to cancellation and refund shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division, as if it had been levied or charged erroneously, and if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to provide the earliest possible adjustment of the 1970 assessment roll and to avoid costly and time-consuming equalization hearings to provide certain exemptions when belatedly filed, it is necessary that this act take effect immediately.

CHAPTER 152

An act to amend Sections 726 and 727 of the Fish and Game Code, relating to the Marine Research Committee.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 726 of the Fish and Game Code is amended to read:

726. Five of such members, at the time of their appointment, shall be men experienced in, and actively engaged in, the canning, reduction, or commercial taking of those species of fish on which the privilege tax is levied for the financial support of the committee pursuant to Section 8046. Of the other four members, at least one shall be a representative of organized sportsmen's groups and at least one shall be a representative of organized labor.

SEC. 2. Section 727 of the Fish and Game Code is amended to read:

727. All members shall be appointed by the Governor for a term of four years or until their successors are appointed.

CHAPTER 153

An act to amend Section 46867 of the Agricultural Code, relating to citrus fruit, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 46867 of the Agricultural Code is amended to read:

46867. Grapefruit which are produced in the desert areas are not mature unless they meet the following requirements:

In view of differences in climatic conditions that prevail in the desert areas, which result in the grapefruit grown in those areas having, at maturity, a higher percentage of soluble solids to acid than the mature grapefruit which are grown in other areas of the state, grapefruit which are produced in the desert areas are considered mature if at the time of picking and at all times thereafter the juice contains soluble solids equal to or in excess of $6\frac{1}{2}$ parts to every part of acid which is contained in the juice. The acidity of the juice shall be calculated as citric acid without water of crystallization.

SEC. 2. This act is an emergency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The harvest season for desert grapefruit will begin before the normal effective date of legislation passed at this session of the Legislature and it is necessary that these new standards go into immediate effect to insure a maximum utilization of this year's desert grapefruit crop.

CHAPTER 154

An act to amend the heading of Part 5 (commencing with Section 14875) of, and to add Part 6 (commencing with Section 14930) to Division 12 of, the Health and Safety Code, relating to abatement of hazardous weeds, rubbish, and other materials.

[Approved by Governor June 1, 1970. Filed with Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 5 (commencing with Section 14875) of Division 12 of the Health and Safety Code is amended to read:

**PART 5. ABATEMENT OF HAZARDOUS
WEEDS AND RUBBISH**

Sec. 2. Part 6 (commencing with Section 14930) is added to Division 12 of the Health and Safety Code, to read:

**PART 6. ABATEMENT OF HAZARDOUS WEEDS AND
RUBBISH: ALTERNATIVE PROCEDURE**

14930. The board of supervisors may, by ordinance, compel the owner, lessee, or occupant of buildings, grounds, or lots in the county, to remove dirt, rubbish, weeds, or other rank growths from such property and adjacent sidewalks. If the owner, lessee, or occupant defaults, after notice prescribed by such ordinance, the board may authorize the removal or destruction of the dirt, rubbish, weeds, or rank growths at his expense by a county officer. The board may, by ordinance, prescribe a procedure for such removal or destruction and make the expense a lien upon the real property in accordance with Section 25845 of the Government Code.

14931. The ordinance may require or provide any of the following:

(a) Require and provide for the removal of grass, weeds, or other obstructions from the sidewalks, parkings, or streets and make the cost of removal a lien upon the abutting property.

(b) Require or provide for the removal from property, lands, or lots of all weeds, rubbish, or other material dangerous or injurious to neighboring property or the health or welfare of residents of the vicinity and make the cost of removal a lien upon the property.

(c) Provide for the enforcement of the lien by the sale of the property or otherwise.

CHAPTER 155

An act to add Sections 39152 and 39153 to the Health and Safety Code, relating to air pollution.

[Approved by Governor June 1, 1970. Filed with Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39152 is added to the Health and Safety Code, to read:

39152. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6 shall be sold and registered in this state unless the manufacturer thereof has, prior to the delivery of any new motor vehicle to any dealer or at, or prior to, the introduction date of new models delivered to a dealer, securely affixed to the side window to the rear of the driver or, if there is no such window on the driver's side, to the windshield of the motor vehicle in accordance with paragraph (2) of subdivision (b) of Section 26708 of the Vehicle Code, a decal on which such manufacturer shall endorse clearly, distinctly, and legibly true and correct entries disclosing the following information concerning such motor vehicle:

(a) The California exhaust emission standards adopted pursuant to Article 2 (commencing with Section 39100) of this chapter or set pursuant to Section 39052.5 or 39052.6 which are applicable to that motor vehicle.

(b) The exhaust emissions from the vehicle as determined by factory assembly line or predelivery tests for that vehicle conducted pursuant to subdivision (m) of Section 39052 and the regulations adopted by the board pursuant to Section 39052. Until such tests are commenced however, the decal shall disclose the highest emissions measured from the certification fleet for that vehicle, for which approval has been granted by the board pursuant to Section 39100.

Nothing in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after he has taken possession of the vehicle.

SEC. 2. Section 39153 is added to the Health and Safety Code, to read:

39153. Any dealer or person holding a retail seller's permit who sells a new motor vehicle without the decal required by Section 39152 shall be subject to a civil penalty of not to exceed one thousand dollars (\$1,000).

CHAPTER 156

An act to amend Sections 39052 and 39151 of the Health and Safety Code, relating to air pollution.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39052 of the Health and Safety Code is amended to read:

39052. The board shall:

(a) Conduct studies and evaluate the effects of air pollution upon human, plant, and animal life and the factors responsible for air pollution. The board may call upon the Department of Public Health, Department of Agriculture, the University of California, and such other state agencies it may deem necessary.

(b) Encourage a cooperative state effort in combating air pollution.

(c) Inventory sources of air pollution within the basins of the state and determine the kinds and quantity of air pollutants. The board shall use, to the fullest extent, the data of local agencies in fulfilling this purpose.

(d) Monitor air pollutants in cooperation with other agencies to fulfill the purpose of this division.

(e) Coordinate and collect research data on air pollution.

(f) Review rules and regulations of local or regional authorities filed with it pursuant to Sections 39314 and 39461 to assure that reasonable provision is made to control emissions from nonvehicular sources and to achieve the air quality standards established by the board.

(g) Adopt formal procedures, after consultation with the Department of Motor Vehicles, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(h) Adopt formal procedures, after consultation with the Department of Public Health, for the performance of services required by the board and for evaluating and resolving air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(i) Adopt formal procedures, after consultation with the Department of the California Highway Patrol, for making timely and decisive mutual agreements on vehicle air pollution matters with which both agencies are concerned, and submit a copy of these procedures to the Legislature by January 1, 1969.

(j) Publish annually a report of the results of the tests administered pursuant to subdivision (k) of this section, which shall include all of the following:

(1) The total number of motor vehicles tested.

(2) The total number of each engine and transmission combination tested.

(3) The average emissions of all motor vehicles tested.

(4) The average emissions of each engine and transmission combination tested.

(5) An analysis of the emissions of each engine and transmission combination tested.

(k) Adopt test procedures specifying the manner in which new motor vehicles shall be approved based upon the emission standards contained in Article 2 (commencing with Section 39100) of Chapter 4 of this part. The board shall base its test procedures on driving patterns typical in the urban areas of California, and shall weight approval standards appropriately to reflect normal engine deposit accumulation. The board shall administer the test for new motor vehicles in accordance with such procedures. The board may revise any test procedures which it has adopted when the development and improvement of testing techniques and testing instruments warrants such revision in the judgment of the board. If the board revises such test procedures, it may establish revised emission standards for new motor vehicles which standards shall be applicable when such revised test procedures are used in testing vehicles. The revised standards may be expressed in terms and numerical values other than the terms and numerical values prescribed by, but shall not be less stringent than the standards prescribed by, Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(l) Adopt regulations specifying the manner in which used motor vehicles shall be accredited based upon their emissions.

(m) Adopt, by regulation, emission standards and test procedures applicable to motor vehicles manufactured for sale in this state. Such regulations shall provide for the testing of vehicles on factory assembly lines or in such other manner as the board determines best suited to carry out the purposes of this part. The standards established by the board may deviate from the standards established as a condition of approval as the board determines is necessary to implement this section. The test procedures shall be adopted after consideration of the recommendations of the Technical Advisory Panel to the Assembly Transportation and Commerce Committee of April 14, 1968. Any manufacturer or distributor failing to comply with the standards or test procedures established under this subdivision shall be subject to a civil penalty of fifty dollars (\$50) for each vehicle which does not comply with the regulations and which is first sold in this state. The payment of such penalties shall be a condition to the further sale of motor vehicles in this state.

(n) Adopt exhaust emission standards for hydrocarbons, carbon monoxide, and oxides of nitrogen for new diesel-powered vehicles, and diesel engines for vehicles first sold and registered in this state, no later than January 1, 1971.

(o) Adopt emission standards for motor vehicles which shall

be applicable only to motor vehicles for which emission standards have not been specified in Article 2 (commencing with Section 39100) of Chapter 4 of this part.

(p) Adopt low emission standards for the purpose of carrying out Section 14808.1 of the Government Code and Section 6377 of the Revenue and Taxation Code for each model year motor vehicle beginning in 1970.

(q) The board shall adopt test procedures to establish that motor vehicles which have been modified or altered to use a fuel other than gasoline or diesel are in compliance with Section 39110 giving consideration to relative reactivity and air-fuel correction factor of the fuel being tested.

SEC. 2. Section 39151 of the Health and Safety Code is amended to read:

39151. No new motor vehicle required pursuant to this part to meet the emission standards in Article 2 (commencing with Section 39100) of this chapter or the standards set pursuant to Section 39052.5 or 39052.6, or revised standards set pursuant to subdivision (k) of Section 39052, shall be sold and registered in this state unless the engine and transmission combination used in that vehicle has been approved by the board.

Vehicle manufacturers shall test engine and transmission combinations in vehicles which are representative of the types of vehicles in which that engine and transmission combination is used.

SEC. 3. It is the intention of the Legislature in enacting this act to authorize the State Air Resources Board to revise its test procedures for new motor vehicles in keeping with new advancements and improvements in testing technology and instrumentation, to establish new standards for emissions from new motor vehicles tested pursuant to the revised procedures, which standards shall not be less stringent than those in the existing statutes, and to express the revised standards in terms and numerical values other than those prescribed in the existing statutes.

CHAPTER 157

An act to amend Section 1257 of the Water Code, relating to appropriation of water.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1257 of the Water Code is amended to read:

1257. In acting upon applications to appropriate water, the board shall consider the relative benefit to be derived from (1) all beneficial uses of the water concerned including, but not limited to, use for domestic, irrigation, municipal, industrial, preservation and enhancement of fish and wildlife,

recreational, mining and power purposes, and any uses specified to be protected in any relevant water quality control plan, and (2) the reuse or reclamation of the water sought to be appropriated, as proposed by the applicant. The board may subject such appropriations to such terms and conditions as in its judgment will best develop, conserve, and utilize in the public interest, the water sought to be appropriated.

CHAPTER 158

An act to amend Section 5780.1 of the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5780.1 of the Public Resources Code is amended to read:

5780.1. "Supervising authority," as used in this chapter, means the board of supervisors of the county in which lies the territory within the district or proposed district. If the territory is composed of one or more cities only, either at the time it was created or at any time thereafter by annexations, withdrawals of territory or otherwise, the city council of the largest city, as determined by the last United States census or by a special census taken pursuant to the provisions of Chapter 17 (commencing with Section 40200), Part 2, Division 3, Title 4 of the Government Code, shall be the supervising authority. If all the territory of the district or proposed district lies within one city, or if the district is a subsidiary district of any city, pursuant to Division 1 (commencing with Section 56000), Title 6 of the Government Code, the city council shall be the supervising authority.

CHAPTER 159

An act to add Section 27802 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27802 is added to the Vehicle Code, to read:

27802. (a) The department shall adopt reasonable regulations establishing specifications and standards for safety helmets offered for sale, or sold, for use by motorcycle drivers and passengers as it determines are necessary for the safety of such drivers and passengers. In developing the regulations,

the department shall consider all standards which have been developed and adopted as a requirement by other states.

(b) No person shall sell, or offer for sale, for use by a motorcycle driver or passenger any safety helmet which is not of a type approved by the department. This subdivision shall become operative six months after the date upon which the regulations become effective.

CHAPTER 160

An act to amend Sections 8011 and 8016 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor June 1, 1970. Filed with Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8011 of the Fish and Game Code is amended to read:

8011. Every person engaged in the business of buying, canning, curing, or preserving fish, or manufacturing meal, oil, flour, protein concentrate, animal food, or fertilizer from fish, or dealing in fish, who receives fish from fishermen, other than persons engaged in the taking, transportation, or sale of live freshwater fish for bait, shall make a legible record in the form of a receipt in quadruplicate on forms to be furnished by the department.

The receipt shall show:

- (a) The weight of each species of fish received.
- (b) The name of the fisherman.
- (c) The Department of Fish and Game registration number of the boat.
- (d) The name of the recipient.
- (e) The date of receipt.
- (f) The price paid.
- (g) The department origin block number where the fish were caught.
- (h) The type of gear used.
- (i) Such other statistical information as the department may require.

SEC. 2. Section 8016 of the Fish and Game Code is amended to read:

8016. The master of any vessel operating any trawlnet in the public waters under the jurisdiction of this state, or taking fish by such net without the state and bringing them into the state, shall keep an accurate record of his fishing operations in duplicate in a trawler logbook furnished by the department. All requested information shall be recorded completely and accurately.

On or before the 10th day of each month, the duplicate logs for the preceding month shall be transmitted to the department.

CHAPTER 161

An act to add Section 190.3 to the Streets and Highways Code, relating to grade separation projects, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 190.3 is added to the Streets and Highways Code, to read:

190.3. That portion of the Napa-Vallejo Highway in the County of Napa, which lies between Rio Del Mar and Kelly Road, is hereby declared to be a county road within the meaning of Sections 189 and 190, and is eligible for an allocation of funds for grade separation pursuant to Section 190.

The Legislature hereby finds and declares that, although this portion of the Napa-Vallejo Highway is presently a portion of Route 29, an alternate routing has been proposed and, if adopted, will result in the present road being returned to the County of Napa within a few years. Because of heavy traffic congestion at the intersection of the present Route 29 and the Southern Pacific Company's railroad tracks, it is necessary that the Napa-Vallejo Highway between Rio Del Mar and Kelly Road be eligible for a grade separation allocation as soon as possible.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The heavy traffic congestion which now exists on the intersection of Route 29 and the Southern Pacific Company's railroad tracks presents a serious traffic problem. In order that the railroad crossing problem on this route may be remedied without further loss of life and damage to property, it is necessary that this act take effect immediately.

CHAPTER 162

An act to add Section 14691.5 to the Education Code, relating to investment of school district retirement reserve funds.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14691.5 is added to the Education Code, to read:

14691.5. In addition to any other investments authorized by law for the investment of such funds, the funds of any special reserve or reserve fund established pursuant to Section 14690 or 14691 may be invested as authorized by Sections 31595 and 31595.4 of the Government Code for the investment of the funds of a county employees' retirement system.

The governing board may employ investment advisers to advise it on such investments and the fees for these services shall be paid from the special reserve or reserve funds.

CHAPTER 163

An act to add Section 16052.1 to the Government Code, relating to the State Environmental Quality Study Council.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16052.1 is added to the Government Code, to read:

16052.1. In addition to the members specified pursuant to Sections 16051 and 16052, the council consists of one Member of the Senate, appointed by the Senate Rules Committee, and one Member of the Assembly, appointed by the Speaker of the Assembly, who shall meet with, and participate in the activities of the council to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this part, such Members of the Legislature shall constitute a joint investigating committee on the subject of this part, and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

CHAPTER 164

An act to amend Section 60 of the Elections Code, relating to elections.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 60 of the Elections Code is amended to read:

60. Notwithstanding any other provisions of this code to the contrary, whenever any ballot arguments for or against any measure submitted to the electorate for approval are authorized, such arguments may be withdrawn by their proponents at any time prior to and including the final date fixed for filing arguments.

CHAPTER 165

An act to amend Sections 35470 and 35471 of the Government Code, relating to city annexation of land.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35470 of the Government Code is amended to read:

35470. Contiguous territory, in the same county, not a part of any other city, owned by the federal government or the State of California or an agency of either may be annexed to a city pursuant to this article.

SEC. 2. Section 35471 of the Government Code is amended to read:

35471. If the federal government or the State of California or agency of either owning such territory consents to the annexation, the city legislative body may initiate proceedings for annexation in the manner provided by Section 35203. The annexation proceedings shall be conducted in the manner prescribed in Sections 35203 and 35210, inclusive, and all of the provisions of such sections and of Section 35212 and 35213 shall apply to such proceedings and annexation.

CHAPTER 166

An act to amend Sections 12505, 12815, and 17701 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12505 of the Vehicle Code is amended to read:

12505. (a) Any person entitled to an exemption under Section 12502, 12503, or 12504 may operate a motor vehicle in this state for not to exceed 10 days from the date he establishes residence in this state, except that he shall obtain a license upon becoming a resident before he is employed for compensation by another for the purpose of driving a motor vehicle on the highways.

(b) Subject to the provisions of Section 12504, any person over the age of 16 years who is the resident of a foreign jurisdiction other than a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, having a valid driver's license issued to him by a jurisdiction having licensing standards deemed by the Department of Motor Vehicles equivalent to those of this state, may

operate a motor vehicle in this state without obtaining a license, except that he shall obtain a license before he is employed for compensation by another for the purpose of driving a motor vehicle on the highways.

(c) Nothing in this section shall authorize the employment of a person in violation of Section 12515.

SEC. 2. Section 12815 of the Vehicle Code is amended to read:

12815. In the event a driver's license issued under this code is lost, destroyed or mutilated, the person to whom it was issued shall obtain a duplicate upon furnishing to the department (a) satisfactory proof of such loss, destruction, or mutilation and (b) if the licensee is a minor, evidence of permission to obtain a duplicate secured from the parents, guardian or person having custody of such minor. Any person who loses a driver's license and who, after obtaining a duplicate, finds the original license shall immediately destroy the original license.

SEC. 3. Section 17701 of the Vehicle Code is amended to read:

17701. No application for a driver's license shall be granted by the department to any minor unless it is signed and verified by the father and mother of such minor, if both father and mother are living and have custody of the minor.

If only one parent is living or has custody, the application shall be signed and verified by such parent.

If neither parent is living or has custody, the application shall be signed and verified by the guardian, or if there is no guardian, by a person having custody of the minor.

CHAPTER 167

An act to amend Section 3151 of the Welfare and Institutions Code, relating to narcotic addicts.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3151 of the Welfare and Institutions Code is amended to read:

3151. After an initial period of observation and treatment, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this

chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority. The written order of any member of the authority shall be a sufficient warrant for any peace officer to return such persons to physical custody.

It is hereby made the duty of all peace officers to execute any such order in like manner as ordinary criminal process.

CHAPTER 168

An act to amend Section 3200 of the Welfare and Institutions Code, relating to narcotic addicts.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3200 of the Welfare and Institutions Code is amended to read:

3200. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least two consecutive years and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority, and if the authority concurs in the opinion of the director it may file with the superior court of the county in which the person was committed a certificate alleging such facts and recommending to the court the

discharge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the person from the program and may dismiss the criminal charges of which such person was convicted. Where such person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 10 of the Health and Safety Code.

CHAPTER 169

An act to amend Section 15711 of the Elections Code, relating to composition of ballots.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15711 of the Elections Code is amended to read:

15711. The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his choices may be at the left of the names of candidates and the designation of measures. If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one pair of facing ballot pages, a series of overlaying pages printed only on the same, single side shall be used and the ballot shall be clearly marked to indicate that the list of candidates for such office is continued on the following page or pages. If the names of candidates for such office are not required to be rotated, they shall be rotated by groups of candidates in such manner that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates, provided that such rotation shall not apply to candidates who are entitled by law to have their names placed on the ballot ahead of the names of other candidates for the same office or nomination for office. Space shall be provided on the ballot or on a separate write-in ballot to permit voters to write in names not printed on the ballot when authorized by law. The size of type and the spacing of the material may be varied to suit the conditions imposed by

the use of ballot cards, provided the type on the ballot cards, when enlarged by a magnifying device on the marking device provided at the polling place, shall appear to the voter as approximately equal in size to that on paper ballots. The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided there is displayed in each voting booth the verbatim statement on each measure as it appears on paper ballots. Abbreviation of matters to be voted on throughout the state shall be composed by the Attorney General.

CHAPTER 170

An act to amend Section 25581 of the Government Code, relating to parks and recreation.

[Approved by Governor June 1, 1970. Filed with Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25581 of the Government Code is amended to read:

25581. The board of supervisors of any county may abandon all or any portion of a park dedicated to the county for park purposes or acquired by the county by deed limiting its use to park purposes, and may sell the land comprising it pursuant to this article or use the land for other county purposes, if it finds that all of the park, where all is to be abandoned, or the portion to be abandoned is not being used by the public for park purposes and that all of said park, or the portion to be abandoned if less than all, is not appropriate, convenient or necessary for park purposes.

The transfer of a park or any portion thereof by the county to any city or district of the county, whether by lease or conveyance, shall not be deemed to be an abandonment of park purposes under this article if such lease or conveyance is expressly made subject to the condition that the property transferred be used only for park purposes.

CHAPTER 171

An act to amend Section 16a of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles Flood Control District.

[Approved by Governor June 1, 1970. Filed with Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16a of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915) is amended to read:

Sec. 16a. The board of supervisors of the district may establish a revolving fund for the use of any official of the district by adopting a resolution setting forth: (a) the necessity for the fund, (b) the office, department or service for which the fund is available, and (c) the amount of the fund, which shall not exceed one thousand dollars (\$1,000). Certified copies of the resolution shall be transmitted to the county auditor and county treasurer.

CHAPTER 172

An act to repeal Article 8.5 (commencing with Section 893) of Chapter 4 of Division 3, and Sections 27115, 27115.1, 27115.2, 27115.3, 27115.4, 27116, 27116.1, 27116.2, and 27116.3 of, the Education Code, to amend Section 34207 of, to add Chapter 2.8 (commencing with Section 8160) to Division 1 of Title 2 of, Sections 14657, 14658, and 65013.3 to, and Article 8 (commencing with Section 14716) to Chapter 2 of Part 5.5 of Division 3 of Title 2 of, and to repeal Chapter 2.6 (commencing with Section 8130) of Division 1 of Title 2, Chapter 2.8 (commencing with Section 8160) of Division 1 of Title 2, Chapter 3.1 (commencing with Section 8220) of Division 1 of Title 2, Article 10 (commencing with Section 65020.1) of Chapter 1.5 of Title 7, and Sections 12040, 12041, 12057, 13493, and 53093 of, the Government Code, to amend Section 3000.7 of, and to repeal Division 5 (commencing with Section 1100) and Part 3 (commencing with Section 3800) of Division 6 of, the Harbors and Navigation Code, to amend Sections 25730.2, 25731, 25732, 25733, 25734, 25734.5, 25735, 25736, 25737, 25738, 25739, 25771, 25805, 25810, and 25812 of, to amend and renumber the heading of Article 7 (commencing with Section 25770) of Chapter 7.5, of Division 20 of, to add Sections 431.2 and 25730 to, and to repeal Sections 431.2 and 25730, Article 5 (commencing with Section 25750) of Chapter 7.5 of Division 20, and Article 6 (commencing with Section 25760) of Chapter 7.5 of Division 20 of, the Health and Safety Code, to repeal Division 1.5 (commencing with Section 160) of the Labor Code, to repeal Chapter 4 (commencing with Section 1300) of Division 6 of the Military and Veterans Code, to repeal Section 9066 of the Public Resources Code, to amend Section 30050 of the Streets and Highways Code, to add Sections 10104, 10105, 10106, and 10107 to, and to repeal Article 2 (commencing with Section 355) of Chapter 2 of Part 1 of Division 1 of, the Unemployment Insurance Code, to amend Section 1752.5 of, and to repeal Section 3004 of, the Welfare and Institutions Code, and to repeal Chapter 1693 of the Statutes of 1953, relating to the reorganization of the executive branch of the California state government.

The people of the State of California do enact as follows:

SECTION 1. Article 8.5 (commencing with Section 893) of Chapter 4, Division 3, of the Education Code is repealed.

SEC. 2. Section 27115 of the Education Code is repealed.

SEC. 3. Section 27115.1 of the Education Code is repealed.

SEC. 4. Section 27115.2 of the Education Code is repealed.

SEC. 5. Section 27115.3 of the Education Code is repealed.

SEC. 6. Section 27115.4 of the Education Code is repealed.

SEC. 7. Section 27116 of the Education Code is repealed.

SEC. 8. Section 27116.1 of the Education Code is repealed.

SEC. 9. Section 27116.2 of the Education Code is repealed.

SEC. 10. Section 27116.3 of the Education Code is repealed.

SEC. 11. Chapter 2.6 (commencing with Section 8130) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 12. Chapter 2.8 (commencing with Section 8160) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 13. Chapter 2.8 (commencing with Section 8160) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 2.8. CAPITOL AREA PLANNING

Article 1. General Planning

8160. The Department of General Services shall establish a master plan for the orderly development of future state buildings in the Capitol area of the City of Sacramento and the County of Sacramento and formulate and carry out a long-range master plan for improvement of the Capitol Mall. In evolving the master plan the department shall take into consideration the following factors:

(a) The needs of the state relative to the location and design of buildings to be constructed, parking facilities, traffic management, and landscaping, including the placement of statues, monuments, or fountains as may be deemed desirable for the beautification of the area.

(b) The ordinances, plans, requirements and proposed improvements of the City of Sacramento and the County of Sacramento, including, but not limited to, zoning regulations, population trends, plans for rapid transit development, and the Capitol Mall Development Project.

(c) Any other factors which bear upon the orderly, integrated, and cooperative development by the state, the City of Sacramento, and the County of Sacramento of property in the area of the State Capitol.

8161. The department may request the assistance and advice of any state agency in the development of the master plan. Any state agency receiving such a request may render such assistance and advice to the department.

8162. The department shall inform the City of Sacramento and the County of Sacramento of the master plan, and subsequent revisions thereof, and shall make every effort to cooperate with appropriate city and county officials to the

end that the development efforts of the state, city and county may be integrated and may proceed without friction.

8163. The plan for location of state buildings and other improvements in the Capitol area, as approved by the Capitol Building and Planning Commission on February 15, 1961, as part of the report prepared by its consultants, is the official state master plan for the development of state buildings in the Capitol area. It is hereby designated the Capitol Area Plan. It shall be a guide for future state policy in the expansion of the state's physical plant and in the locating of state buildings and other facilities in the Capitol area.

8164. The department shall report to the Legislature at each of its sessions. The report shall list the state building construction projects initiated or completed since the last report, shall set forth the department's appraisal of the degree to which such projects conform to the official master plan, and shall incorporate a report relating to the acquisition and improvement of real property in the City of Sacramento. The department may include in its report such recommendations for revisions of the plan as from time to time become necessary or desirable for the orderly development of the Capitol area.

8165. The Legislature finds and declares:

(a) There is clear justification and need for the creation of a beautiful and impressive western approach to the capital city of California, which coordinates and integrates the planning and development of all major elements in the immediate environment, and emphasizes the most important single structure in the complex, the State Capitol Building.

(b) In order to provide for the formulation and implementation of a long-range, funded program for beautification of the mall, which is coordinated with the plans of the multiplicity of interests involved, it is necessary to assign responsibility and authority sufficient to achieve these objectives to a single agency. The department is the agency most able to effectively carry out this assignment.

8166. The department shall have the overall responsibility and authority for the formulation and implementation of a long-range master plan for the improvement of the Capitol Mall. Such plan shall be integrated and compatible with the development plans of all appropriate public and private interests, including the Sacramento Central City Development Projects. The principal objective of this master plan shall be to provide a physical and aesthetic expression in the approaches to the State Capitol Complex and to embody the best the state can produce in coordinated environmental planning and architectural integrity.

8167. That portion of Route 275 that extends from the end of the Sacramento River Bridge in the City of Sacramento to the junction of Capitol Avenue and Ninth Street in Sacramento is hereby designated as the "Capitol Mall" and shall be an integral part of the Capitol Area Plan.

8168. The department, in addition to the other powers granted by this article, shall have the express power to do all acts necessary to accomplish the overall planning and beautification of the Capitol Mall contemplated by the 1968 amendments to former Article 1 (commencing with Section 8160) of Chapter 2.8 of Division 1 of Title 2. Such powers shall include, but not be limited to, the active solicitation for and acceptance of any gifts or grants from whatever source available.

Article 2. Governor's Mansion

8170. The site of the Governor's Mansion is hereby designated as all of the block bounded by 14th, 15th, N, and O Streets with the exception of Lot 1 thereof in the City of Sacramento.

8171. The Director of General Services shall appoint an architect to be a professional adviser to the department for purposes of this chapter. The professional adviser, after consultation with the State Architect and the Director of Finance, shall formulate the architectural program of the department under this chapter together with such limitations on the program as are deemed advisable.

8172. The Director of General Services is authorized and directed to immediately proceed with the acquisition and development, including landscaping, of the site designated in Section 8170 and with the major construction and improvements for the Governor's Mansion and the equipping and furnishing thereof, to the extent that moneys are specifically made available for such purposes by the Legislature.

SEC. 14. Chapter 3.1 (commencing with Section 8220) of Division 1 of Title 2 of the Government Code is repealed.

SEC. 15. Section 12040 of the Government Code is repealed.

SEC. 16. Section 12041 of the Government Code is repealed.

SEC. 17. Section 12057 of the Government Code is repealed.

SEC. 18. Section 13493 of the Government Code is repealed.

SEC. 19. Section 14657 is added to the Government Code, to read:

14657. The Director and the Department of General Services succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction heretofore vested in the Television Advisory Committee and the position of Television Coordinator by Article 8.5 (commencing with Section 893) of Chapter 4 of Division 3 of the Education Code.

SEC. 20. Section 14658 is added to the Government Code, to read:

14658. The Director and the Department of General Services succeed to and are vested with all the duties, powers, purposes, responsibilities and jurisdiction heretofore vested in the Capitol Building and Planning Commission by Chapter 2.8 (commencing with Section 8160) of Division 1 of Title 2 of the Government Code.

SEC. 21. Article 8 (commencing with Section 14716) is

added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, to read:

Article 8. Television Coordination

14716. The Department of General Services shall prepare a plan for television to serve the educational needs of the state. Such plan shall assure the most effective and economical utilization of human resources, public funds and channels of transmission.

The department shall also (1) serve as the official state agency for processing applications for federal funds which may become available for television for educational purposes, and for receiving and distributing such funds, (2) act in an advisory capacity in recommending to the appropriate federal agency or agencies the allocation of television channels which become available for educational purposes, (3) coordinate the activities of the various public and nonprofit agencies concerned with television for educational purposes, and (4) serve as a clearinghouse for information on television for educational purposes.

Nothing in this section shall require the Regents of the University of California or any other agency to submit requests for federal funds through the coordinator if such funds are for a purpose other than a capital outlay for television purposes unless federal law requires that all the federal funds must go through a single state agency.

14716.1. The department shall not have any jurisdiction over the matter of the educational content of television programs.

14716.2. All applications for television transmission licenses submitted for or on behalf of any school district, state college, or the University of California shall be submitted to and be reviewed by the department before being submitted to the Federal Communications Commission.

14716.3. All applications on behalf of any school district for television transmission licenses or federal funds for educational television purposes shall first be submitted to the Department of Education.

SEC. 22. Section 34207 of the Government Code is amended to read:

34207. (a) The Council on Intergovernmental Relations succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Intergovernmental Council on Urban Growth.

(b) The Council on Intergovernmental Relations succeeds to and is vested with all the duties, power, purposes, responsibilities, and jurisdiction vested in the State Office of Planning by the following:

(1) Subdivision (c) of Section 65012.1 of the Government Code.

(2) Subdivision (e) of Section 65013.2 of the Government Code.

(3) Section 65017.1, now Section 34212, of the Government Code.

(4) Section 65017.2, now Section 34213, of the Government Code.

(5) Section 65017.3, now Section 34214, of the Government Code.

(6) Sections 65018.1, 65018.2 and 65018.3, now Sections 34215, 34216, and 34217, respectively, of the Government Code.

(c) The Council on Intergovernmental Relations succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction with respect to local planning assistance heretofore vested in the Planning Advisory Committee.

SEC. 23. Section 53093 of the Government Code is repealed.

SEC. 24. Section 65013.3 is added to the Government Code, to read:

65013.3. The State Office of Planning shall succeed to and is hereby vested with all functions of the Planning Advisory Committee, except for those local planning assistance functions of the committee transferred to the Council on Intergovernmental Relations by Section 34207.

SEC. 25. Article 10 (commencing with Section 65020.1) of Chapter 1.5 of Title 7 of the Government Code is repealed.

SEC. 26. Division 5 (commencing with Section 1100) of the Harbors and Navigation Code is repealed.

SEC. 27. Section 3000.7 of the Harbors and Navigation Code is amended to read:

3000.7. The authority shall request the City and County of San Francisco to provide zoning ordinances for property the authority intends to lease under Section 3000.5 and said city and county is hereby authorized to prepare and adopt precise plans and zoning plans for such property pursuant to this section. The zoning ordinances of the city shall be based on the precise plans and permit the authority to use the property so as to yield maximum profits consistent with the pattern of land uses in the vicinity of the land so zoned. Any lessee of property leased pursuant to Section 3000.5 shall comply with the building and zoning ordinances of the City and County of San Francisco including payment for fees for inspection.

SEC. 28. Part 3 (commencing with Section 3800) of Division 6 of the Harbors and Navigation Code is repealed.

SEC. 29. Section 431.2 of the Health and Safety Code is repealed.

SEC. 30. Section 431.2 is added to the Health and Safety Code, to read:

431.2. The Health Planning Council shall advise and consult with the department in carrying out the administration of this chapter and succeeds to and is vested with the func-

tions, authority and responsibility of the Advisory Hospital Council.

Any reference in any code to the Advisory Hospital Council shall be deemed a reference to the Health Planning Council.

SEC. 31. Section 25730 of the Health and Safety Code is repealed.

SEC. 32. Section 25730 is added to the Health and Safety Code, to read:

25730. As used in this chapter "secretary" means the Secretary of the Resources Agency.

SEC. 33. Section 25730.2 of the Health and Safety Code is amended to read:

25730.2. (a) The Secretary of the Resources Agency succeeds to and is vested with all the powers, duties, purposes, responsibilities, and jurisdiction of the Office of Atomic Energy Development and Radiation Protection.

The Secretary of the Resources Agency succeeds to and is vested with all the power, duties, purposes, responsibilities, and jurisdiction of the Coordinator of Atomic Energy Development and Radiation Protection and the Coordinator of Atomic Energy Development.

(b) Any reference in any law to the Office of Atomic Energy Development and Radiation Protection or to the Coordinator of Atomic Energy Development and Radiation Protection or to the Office of Nuclear Energy or to the Coordinator of Atomic Energy Development shall be considered a reference to the Secretary of the Resources Agency or the Resources Agency, as the case may be, unless the context otherwise requires.

SEC. 34. Section 25731 of the Health and Safety Code is amended to read:

25731. The secretary shall perform the liaison function between the state and the federal government, including the United States Atomic Energy Commission, and between this state and other states in matters pertaining to atomic energy development.

SEC. 35. Section 25732 of the Health and Safety Code is amended to read:

25732. The secretary shall coordinate the programs, and rules and regulations of the several departments and agencies of the state and the cities and counties relating to atomic energy development, and shall so far as may be practicable coordinate the studies conducted and the recommendations and proposals made in this state on these subjects with like activities in other states and by the federal government and with the policies and regulations of the United States Atomic Energy Commission.

The departments and agencies of the state which are concerned with atomic energy and radiation, their various applications and uses, and the cities and counties, shall keep the secretary currently informed as to their activities and programs relating to atomic energy and radiation.

SEC. 36. Section 25733 of the Health and Safety Code is amended to read:

25733. No state department or other state agency shall adopt, amend or repeal any rule or regulation, except emergency rules or regulations, relating to atomic energy development unless and until the proposed rule or regulation, or amendment thereto, or repeal thereof, has been first submitted to the secretary for such comments, recommendations, or suggestions he may deem necessary or desirable with respect thereto.

SEC. 37. Section 25734 of the Health and Safety Code is amended to read:

25734. No rule or regulation applying to atomic energy development or amendment thereto or repeal thereof which any state agency may propose to adopt, unless it be an emergency regulation, shall be noticed under the provisions of Section 11423 of the Government Code prior to 30 days after it has been submitted to the secretary, unless the coordinator in writing waives all or a portion of the 30-day period.

SEC. 38. Section 25734.5 of the Health and Safety Code is amended to read:

25734.5. Whenever the secretary determines that an existing or proposed rule or regulation is inconsistent with any rule or regulation of another agency of the state, he may, after consultation with the agencies involved, find that the proposed rule or regulation is inconsistent with a rule or regulation of the other agency and shall issue an order to that effect, in which event the proposed rule or regulation shall not become effective. The secretary may, in the alternative, upon a similar determination, direct the appropriate agency to amend or repeal the existing rule or regulation to achieve consistency with the proposed rule or regulation.

SEC. 39. Section 25735 of the Health and Safety Code is amended to read:

25735. The secretary may when he deems necessary or appropriate recommend to any state department or other state agency the adoption, amendment, or repeal of rules and regulations relating to atomic energy development.

SEC. 40. Section 25736 of the Health and Safety Code is amended to read:

25736. The secretary shall keep the Governor and the various interested state departments and agencies and the cities and counties informed of private and public activities affecting the peacetime uses of atomic energy and, through the Secretary of the Resources Agency, shall enlist their cooperation in protecting the health, safety and general welfare of the people of the state.

SEC. 41. Section 25737 of the Health and Safety Code is amended to read:

25737. The secretary shall disseminate to the public factual data and information and interpretations thereof concerning atomic energy development and the uses of radiation

in the state with the view to providing a reliable source of accurate information relating to the benefits and hazards of such development and uses.

SEC. 42. Section 25738 of the Health and Safety Code is amended to read:

25738. The secretary shall submit a report to the Governor and the Legislature not later than 10 calendar days following the commencement of each regular session of the Legislature recommending such action or legislation as he deems necessary or desirable.

SEC. 43. Section 25739 of the Health and Safety Code is amended to read:

25739. The secretary may consult with and seek the advice of technically qualified persons within and without the state to advise on matters relating to atomic energy, particularly with regard to rules and regulations relating to atomic energy development and usage.

SEC. 44. Article 5 (commencing with Section 25750) of Chapter 7.5 of Division 20 of the Health and Safety Code is repealed.

SEC. 45. Article 6 (commencing with Section 25760) of Chapter 7.5 of Division 20 of the Health and Safety Code is repealed.

SEC. 46. The heading of Article 7 (commencing with Section 25770) of Chapter 7.5 of Division 20 of the Health and Safety Code is amended and renumbered to read:

Article 5. Permits and Licenses Required

SEC. 47. Section 25771 of the Health and Safety Code is amended to read:

25771. The Department of Public Health shall keep current information on the permits or licenses issued by the United States Atomic Energy Commission in the state and shall transmit such information to the Secretary of the Resources Agency and upon request to any state department or agency or member of the public.

SEC. 48. Section 25805 of the Health and Safety Code is amended to read:

25805. As used in this chapter:

(a) "Secretary" means the Secretary of the Resources Agency.

(b) "Ionizing radiation" means gamma rays and X-rays; alpha and beta particles, high-speed electrons, neutrons, protons, and other nuclear particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(c) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Atomic Energy Commis-

sion, or any successor thereto, and other than federal government agencies licensed by the United States Atomic Energy Commission or any successor thereto.

(d) "Byproduct material" means any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

(e) "Source material" means (1) uranium, thorium, or any other material which the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such; or (2) ores containing one or more of the foregoing materials, in such concentration as the department declares by rule to be source material after the United States Atomic Energy Commission, or any successor thereto, has determined the material in such concentration to be source material.

(f) "Special nuclear material" means (1) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the department declares by rule to be special nuclear material after the United States Atomic Energy Commission, or any successor thereto, has determined the material to be such, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

(g) "General license" means a license, pursuant to regulations promulgated by the department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(h) "Specific license" means a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials or other radioactive material occurring naturally or produced artificially.

(i) "Registration" means the reporting of possession of a source of radiation and the furnishing of information with respect thereto, in accordance with subdivision (b) of Section 25815 of this code.

SEC. 49. Section 25810 of the Health and Safety Code is amended to read:

25810. The department is designated as the agency responsible for the issuance of licenses. In carrying out its duties under this section, the department, with the approval of the secretary, shall enter into agreement with the Division of Industrial Safety and may enter into agreement with other state and local agencies to conduct technical evaluations of license applications prior to issuance of licenses. Such agreements shall also include provisions for conducting inspections in accordance with Section 25820.

SEC. 50. Section 25812 of the Health and Safety Code is amended to read:

25812. The department shall not grant any license to receive radioactive material from other persons for disposal on land unless all of the following requirements are satisfied:

(a) The land on which the radioactive wastes are to be buried is owned by the federal or state government.

(b) The department determines that the site is consistent with the public health and safety.

(c) The department receives a finding from the Secretary of the Resources Agency that the establishment and operation of the site will be of economic benefit to atomic energy development in this state. The coordinator, in arriving at such a finding, shall consult with the Advisory Council on Atomic Energy Development. If the Office of Nuclear Energy is not in operation, the finding that the establishment and operation of the site will be of economic benefit to atomic energy development in this state shall be made by the State Board of Public Health.

SEC. 51. Division 1.5 (commencing with Section 160) of the Labor Code is repealed.

SEC. 52. Chapter 4 (commencing with Section 1300) of Division 6 of the Military and Veterans Code is repealed.

SEC. 53. Section 9066 of the Public Resources Code is repealed.

SEC. 54. Section 30050 of the Streets and Highways Code is amended to read:

30050. There is in the state government a board known as California Toll Bridge Authority, composed of the Secretary of the Business and Transportation Agency, the Director of Finance, and three persons or officers of the state appointed by the Governor. The Director of Public Works shall not be a member of the authority but shall serve as administrative officer thereof.

SEC. 55. Article 2 (commencing with Section 355) of Chapter 2, Part 1, Division 1 of the Unemployment Insurance Code is repealed.

SEC. 56. Section 10104 is added to the Unemployment Insurance Code, to read:

10104. The board shall cooperate with and assist the National Manpower Advisory Committee as established by the United States Manpower Development and Training Act of 1962.

SEC. 57. Section 10105 is added to the Unemployment Insurance Code, to read:

10105. The board shall succeed to and is vested with the powers and duties heretofore exercised and performed by the State Advisory Council on Employment.

SEC. 58. Section 10106 is added to the Unemployment Insurance Code, to read:

10106. The board shall consider and may advise the director upon all matters connected with the administration of Di-

vision 1 (commencing with Section 100) as submitted to it by the director and may recommend upon its own initiative such changes in the administration of that division as it deems necessary. The director shall furnish to the board information in his possession as requested by the board to discharge its advisory duties hereunder. The board shall on January 31st and July 31st of each year and on such other occasions as it deems proper file a written report to the Governor embodying the activities of the board and its recommendations to the director, a copy of which reports shall be filed in the office of the Secretary of State for purposes of public inspection.

SEC. 59. Section 10107 is added to the Unemployment Insurance Code, to read:

10107. The board may select and nominate an executive secretary to aid the board in its functions and the director shall appoint the person so nominated who shall be exempt from civil service, removable by the board and shall receive compensation as determined by the board. Such compensation and, in addition, actual and necessary traveling expenses shall be deemed part of the expenses incurred in the administration of this code. Any appointment by the director of a person to the position of executive secretary provided by this section shall not be an exempt appointment to which the director is entitled under subdivision (a)(5) of Section 4, Article XXIV of the State Constitution. The director shall furnish the board and executive secretary with clerical services and with such other services as are necessary for the board to carry out its functions.

SEC. 60. Section 1752.5 of the Welfare and Institutions Code is amended to read:

1752.5. The director may establish or assist in the establishment of any public council or committee having as its object the prevention or decrease of delinquency among youths; and the director may cooperate with or participate in the work of such councils or any existing councils or committees or county delinquency prevention commissions.

The Governor's Advisory Committee on Children and Youth shall assist the director in carrying out the legislative intent of this section.

From any moneys made available to him for that purpose, the Director of the Youth Authority shall make allocations to county delinquency prevention commissions for administrative expenses not to exceed one thousand dollars (\$1,000) per year for each commission. Additional allocations may be made to county delinquency prevention commissions on a matching basis for the development of delinquency prevention projects or programs administered and operated by local governmental or nongovernmental organizations under the general supervision of the county delinquency prevention commission. These projects or programs, in order to qualify for allocations, must have prior approval from the Governor's Advisory Committee on Children and Youth and must meet minimum standards of

performance established by the Director of the Youth Authority. A copy of the minimum standards of performance shall be transmitted by the Director of the Youth Authority to the chairman of the county delinquency prevention commission at the time the allocation is made.

Application for funds under this section shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payments of assistance, if granted.

SEC. 61. Section 3004 of the Welfare and Institutions Code is repealed.

SEC. 62. Chapter 1693 of the Statutes of 1953 is repealed.

SEC. 63. Section 11 of this act shall become operative on January 1, 1971, or when a California-Nevada Interstate Compact formulated pursuant to Section 8136 of the Government Code is ratified by the United States Congress, whichever shall occur first.

SEC. 64. Section 14 of this act shall become operative on January 1, 1971, or when a Goose Lake Compact formulated pursuant to Section 8226 of the Government Code is ratified by the United States Congress, whichever shall occur first.

SEC. 65. Sections 26 and 28 of this act shall become operative on January 1, 1971.

SEC. 66. In the event any other act or acts of the 1970 Regular Session of the Legislature has any effect on any section of any code or statute affected by this act, the provisions of such act or acts shall prevail over the conflicting provisions of this act.

SEC. 67. It is the intent of the Legislature in enacting this measure to incorporate into law by statute, without substantive change, the Governor's Reorganization Plan No. 1 of 1969, dated March 5, 1969, together with such additional changes as were effected by the Legislature at its 1969 session.

CHAPTER 173

An act to amend Section 13001 of the Vehicle Code, relating to identification cards.

[Approved by Governor June 1, 1970 Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13001 of the Vehicle Code is amended to read:

13001. The department shall issue an identification card only to a person who does not have a valid California driver's license, and only upon the furnishing of such bona fide documentary evidence of the age and identity of such person as the department may require.

CHAPTER 174

An act to amend Section 24405 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24405 of the Vehicle Code is amended to read:

24405. (a) Not more than four lamps of the following types showing to the front of a vehicle may be lighted at any one time:

- (1) Headlamps.
- (2) Auxiliary driving or passing lamps.
- (3) Fog lamps.
- (4) Warning lamps.
- (5) Spot lamps.
- (6) Gaseous discharge lamps specified in Section 25258.

(b) Not more than six such lamps showing to the front of an authorized emergency vehicle may be lighted at any one time.

(c) For the purpose of this section each pair of a dual head lamp system shall be considered as one lamp.

CHAPTER 175*An act to amend Section 35401 of the Vehicle Code, relating to vehicles.*

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

- (1) Motortruck and trailer.
- (2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer that meet the following requirements:

The pivot point of the semitrailer connection is not less than 2 feet to the rear of the center of the rearmost axle of

the motortruck, and the distance from the pivot point to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

CHAPTER 176

An act to amend Section 1080 of the Probate Code, relating to determination of heirship.

[Approved by Governor June 1, 1970 Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1080 of the Probate Code is amended to read:

1080. Anytime after first publication of notice to creditors and prior to the time a petition for final distribution has been filed, the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who have given notice of appearance in person or by attorney, addressed to them at their respective post office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not, at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting

forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Whenever any estate involves, or may involve, a charitable trust, other than a charitable trust with a designated trustee which may lawfully accept such trust, or an escheat to the State of California, the Attorney General shall be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this section and shall be given written notice of the hearing in the same manner as legatees and devisees.

CHAPTER 177

An act to repeal Section 32502 of the Water Code, relating to county water districts.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 32502 of the Water Code is repealed.

CHAPTER 178

An act to amend Sections 5300, 5302, 5303, and 5304 of the Financial Code, relating to assessments for support of the Department of Savings and Loan.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5300 of the Financial Code is amended to read:

5300. To meet the salaries and expenses provided for in this division, for the payment of which no provision is otherwise made, the commissioner shall require every association licensed by him or coming under his supervision to pay in advance to him its pro rata share of all such salaries and expenses as estimated by the commissioner for the ensuing year.

SEC. 2. Section 5302 of the Financial Code is amended to read:

5302. On or before the 30th day of December, 1970, and thereafter on or before the 20th day of June of each succeeding year, the commissioner shall notify each association by mail of the amount assessed and levied against it. After December 31, 1970, an association shall pay not less than one-half of the

amount assessed so as to be received by the commissioner not later than the 10th day of July and shall pay the remainder so as to be received by the commissioner not later than the following 10th day of January. If payment is not received by the commissioner within such time, the commissioner shall assess and collect in addition to the annual assessment, a penalty of 5 percent of the unpaid assessment for each month or part of a month that the payment is delayed or withheld.

SEC. 3. Section 5303 of the Financial Code is amended to read:

5303. In the levy and collection of an assessment under this article, no association shall be assessed for, nor be permitted to pay less than one hundred dollars (\$100) for any fiscal year or less than one hundred dollars (\$100) for the unexpired portion of the fiscal year in which such domestic association is formed.

SEC. 4. Section 5304 of the Financial Code is amended to read:

5304. If any domestic association proposes to acquire the assets of any federal savings and loan association by transfer conversion, or otherwise, the initial assessment provided for by this article shall be computed on the same basis as if such federal savings and loan association had been a state association and assessed on or before the 20th day of June in the fiscal year preceding the initial assessment, except that the initial assessment shall be based on the assets of the federal savings and loan association as shown by its report to the Federal Home Loan Bank next preceding the 20th day of June in the fiscal year preceding the initial assessment and the assessment shall be reduced, if the license is not issued in July, by one-twelfth for each month of the fiscal year which has expired at the time of the issuance of the license.

CHAPTER 179

An act to amend Section 18951 of, and to add Section 18978 to, the Government Code, relating to state civil service examinations.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18951 of the Government Code is amended to read:

18951. The board and each state agency and employee shall encourage economy and efficiency in and devotion to state service by encouraging promotional advancement of employees showing willingness and ability to perform efficiently services assigned them, and every person in state serv-

ice shall be permitted to advance according to merit and ability.

In an examination held on an open, nonpromotional basis under the provisions of Section 18950, a competitor who has permanent civil service status, or who has a mandatory right of reinstatement to a position with permanent civil service status, and who attains the passing mark established for the examination, shall have three credits added to his earned score. Such credits shall be known as career credits.

SEC. 2. Section 18978 is added to the Government Code, to read:

18978. An examination held on an open, nonpromotional basis under the provisions of Section 18950, shall not be considered an entrance examination for purposes of Sections 18971 and 18973.

CHAPTER 180

An act making an appropriation to the Grass Valley Elementary School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Grass Valley Elementary School District is an impoverished school district in the state and has suffered significant decline in revenues which will cause great financial hardship and will render it impossible for the district to meet its fixed financial commitments for the year, including those made for the payment of teachers' salaries.

The Legislature finds that the unique circumstances in the Grass Valley Elementary School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The appropriation made by Section 2 of this act is made in view of the unique circumstances in the Grass Valley Elementary School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the appropriation made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred sixty thousand dollars (\$160,000), or so much thereof as may be necessary, to the Grass Valley Elementary School District to enable the district to pay contracted indebtedness, due and owing, in the 1969-1970 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall, during the 1970-1971, 1971-1972, and 1972-1973 fiscal years withhold from the apportionments to be made to the district from the State School Fund in each of those years an amount equal to one-third of the amount actually disbursed to the district from the appropriation made pursuant to Section 2 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 2 of this act. Such withholdings shall be directed to the end that the entire amount disbursed, plus the interest, shall have been recouped by the state at the end of the 1972-1973 fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that money may be made available to the Grass Valley Elementary School District at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 181

An act to amend Section 31676.11 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31676.11 of the Government Code is amended to read:

31676.11. This section may be made applicable in any county on the first day of the month after the board of supervisors of such county adopts, by majority vote, a resolution providing that this section shall become applicable in such county. Notwithstanding any other provisions of this chapter the current service pension or the current service pension combined with the prior service pension is an additional pension for members purchased by the contributions of the county or district sufficient, when added to the service retirement annuity, to equal the fraction of one-sixtieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarter year, in the following table in the column applicable to his sex, multiplied by the number of years of current service or years of current and prior service with which he is entitled to be credited at retirement, but in

no event shall the total retirement allowance exceed seventy-five percent (75%) of the member's final compensation.

Age at retirement	Fraction	
	Men	Women
50 -----	.7279	.7454
50 $\frac{1}{4}$ -----	.7393	.7561
50 $\frac{1}{2}$ -----	.7506	.7668
50 $\frac{3}{4}$ -----	.7619	.7775
51 -----	.7732	.7882
51 $\frac{1}{4}$ -----	.7885	.7998
51 $\frac{1}{2}$ -----	.7978	.8114
51 $\frac{3}{4}$ -----	.8102	.8230
52 -----	.8225	.8346
52 $\frac{1}{4}$ -----	.8360	.8472
52 $\frac{1}{2}$ -----	.8494	.8598
52 $\frac{3}{4}$ -----	.8629	.8724
53 -----	.8764	.8850
53 $\frac{1}{4}$ -----	.8911	.8987
53 $\frac{1}{2}$ -----	.9059	.9125
53 $\frac{3}{4}$ -----	.9206	.9262
54 -----	.9353	.9399
54 $\frac{1}{4}$ -----	.9515	.9549
54 $\frac{1}{2}$ -----	.9676	.9699
54 $\frac{3}{4}$ -----	.9838	.9849
55 -----	1.0000	1.0000
55 $\frac{1}{4}$ -----	1.0110	1.0111
55 $\frac{1}{2}$ -----	1.0221	1.0223
55 $\frac{3}{4}$ -----	1.0332	1.0335
56 -----	1.0443	1.0447
56 $\frac{1}{4}$ -----	1.0591	1.0597
56 $\frac{1}{2}$ -----	1.0739	1.0747
56 $\frac{3}{4}$ -----	1.0887	1.0898
57 -----	1.1035	1.1048
57 $\frac{1}{4}$ -----	1.1191	1.1207
57 $\frac{1}{2}$ -----	1.1348	1.1367
57 $\frac{3}{4}$ -----	1.1504	1.1526
58 -----	1.1660	1.1686
58 $\frac{1}{4}$ -----	1.1826	1.1855
58 $\frac{1}{2}$ -----	1.1991	1.2025
58 $\frac{3}{4}$ -----	1.2157	1.2195
59 -----	1.2322	1.2365
59 $\frac{1}{4}$ -----	1.2498	1.2547
59 $\frac{1}{2}$ -----	1.2673	1.2729
59 $\frac{3}{4}$ -----	1.2849	1.2911
60 -----	1.3025	1.3093
60 $\frac{1}{4}$ -----	1.3153	1.3221
60 $\frac{1}{2}$ -----	1.3282	1.3350
60 $\frac{3}{4}$ -----	1.3411	1.3479
61 -----	1.3540	1.3608
61 $\frac{1}{4}$ -----	1.3668	1.3736
61 $\frac{1}{2}$ -----	1.3797	1.3865

Age at retirement	Fraction	
	Men	Women
61 $\frac{1}{4}$ -----	1.3926	1.3994
62 -----	1.4055	1.4123
62 $\frac{1}{4}$ -----	1.4183	1.4251
62 $\frac{1}{2}$ -----	1.4312	1.4380
62 $\frac{3}{4}$ -----	1.4441	1.4509
63 -----	1.4570	1.4638
63 $\frac{1}{4}$ -----	1.4698	1.4766
63 $\frac{1}{2}$ -----	1.4827	1.4895
63 $\frac{3}{4}$ -----	1.4956	1.5024
64 -----	1.5085	1.5153
64 $\frac{1}{4}$ -----	1.5213	1.5281
64 $\frac{1}{2}$ -----	1.5342	1.5410
64 $\frac{3}{4}$ -----	1.5471	1.5539
65 -----	1.5600	1.5668

Contributions shall not be made by members having credit for 30 years of service.

In any county operating under this section any limitations in any provisions of this chapter upon the amount of compensation used for computing rates of contributions shall be disregarded.

Wherever in this chapter reference is made to survivorship benefits and rights under Section 31676.1, the same shall apply to this section.

CHAPTER 182

An act to amend Section 5607 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5607 of the Financial Code is amended to read:

5607. No officer, director, or appraiser of an association shall receive from such association, and no association shall pay to any officer, director, or appraiser of such association, any commission, emolument, gratuity or reward based on the volume or number of loans made, or based on the interest or fees collected thereon. Nothing in this section prohibits or limits any of the following:

(a) The receipt or payment of salaries of officers, directors, and employees.

(b) The receipt or payment of commissions to agents whether or not based on the volume or number of loans or on the interest or fees collected thereon.

(c) The receipt or payment of bonuses to officers or employees if such bonuses are not based on the volume or number

of loans made or on the interest or fees collected thereon. If such bonuses are based on the profits of the association for any period, payment thereof shall not be made earlier than 10 days before the expiration of such period and shall be based on the profits of such period or on an estimate thereof made in good faith.

CHAPTER 183

An act to amend Section 30507 of the Water Code, relating to county water districts.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive such sum as may be fixed by the board not exceeding fifty dollars (\$50) for each meeting of the board attended by him, not exceeding two meetings in any calendar month in the case of a district having less than 75,000 registered voters residing therein, or not exceeding four meetings in any calendar month in the case of a district having 75,000 or more registered voters residing therein or a total assessed valuation in excess of forty million dollars (\$40,000,000).

CHAPTER 184

An act to amend Section 41005 of, and to add Sections 41009 and 41010 to, the Agricultural Code, relating to canning tomato advisory committee.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 41005 of the Agricultural Code is amended to read:

41005. The committee shall be advisory to the director on all matters pertaining to standards for tomatoes for canning purposes. The committee may do any of the following:

(a) Recommend to the director administrative regulations which relate to methods and procedures of selecting samples of lots, loads or containers of tomatoes for canning purposes, and to the establishment of color standards and requirements to be established pursuant to this chapter.

(b) Recommend to the director administrative regulations which relate to the administration and enforcement of this chapter.

(c) Recommend to the director the institution and promotion of scientific research.

(d) Recommend to the director whether or not there shall be sampling for conditions not now shown on the certificate of inspection for canning tomatoes, provided any such recorded items or conditions shall not be cause for rejection by the director.

(e) Advise the director on all matters pertaining to this chapter including the annual budget and revenue necessary to accomplish the purpose of this chapter.

SEC. 2. Section 41009 is added to the Agricultural Code, to read:

41009. The director shall appoint an alternate member for each committee member. In making such appointments the director shall appoint a producer as alternate for each producer member and a handler representative as alternate for each handler representative, and shall give consideration to the representation of the member for whom the alternate is designated to serve.

SEC. 3. Section 41010 is added to the Agricultural Code, to read:

41010. Alternate members shall serve at committee meetings only in the absence of the member for whom they are designated as alternate.

CHAPTER 185

An act relating to a transfer of state property.

[Approved by Governor June 1, 1970 Filed with
Secretary of State June 1, 1970]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law, the Department of Mental Hygiene is hereby authorized and directed to quitclaim to the Trustees of the California State Colleges at no cost that property commonly known as the irrigable farmland portion of the Pacific State Hospital, more particularly described as follows:

Parcel 1. That portion of Lot 2, of the C. M. Wright Tract, in the County of Los Angeles, State of California, as per map recorded in Book 5, Page 75 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most southerly corner of said Lot 2; thence along the easterly line thereof 2330 ft. more or less, said easterly line being the westerly right-of-way line of the Union Pacific Railroad, to the intersection of the centerline of State Street; thence northwesterly along the centerline of said State Street 1283 ft. more or less, to a point in the southerly line of the "County Road" (Pomona Boulevard) as said road as shown on said map; thence southwesterly along said southerly

line 1291 ft. more or less, to the southeasterly line of the right-of-way of the Southern Pacific Railroad Co., 100 ft. wide; thence along said southeasterly line of said railroad 1435 ft. more or less, to the southerly line of said Lot 2; thence along said southerly line 1314.09 ft. to the point of beginning.

Excepting, from the hereinabove described parcel approximately four and six tenths (4.6) acres occupied by the Residence No. 3, State Street, and that portion of land lying Southeast of Residence No. 3 used by the Hospital for tree and shrub propagation.

Parcel 2. That portion of the Rancho Los Nogales, those portions of Section 34 and 35, Township 1 South, Range 9 West, S. B. B. & M., and those portions of Sections 3 and 4, Township 2 South, Range 9 West, said Base and Meridian, described, as a whole, as follows:

Beginning at the intersection of the southwesterly line of the 105.43 acre tract of land conveyed by Jane Lynch, et al, to Charles M. Wright by deed recorded in Book 1705 Page 148, of Deeds, in the office of said County Recorder, with the northwesterly line of the 100 foot right-of-way of the San Pedro, Los Angeles and Salt Lake Railroad (U.P.R.R.); thence along the southwesterly line of said tract of land north 52° 38' 23" west 1314.09 feet to the southeasterly line of the right-of-way of the Southern Pacific Railroad Company, 100 feet wide; thence along said southeasterly line south 32° 50' 58" west 2966.66 feet; thence south 41° 20' 09" east 990.76 feet to said northwesterly right-of-way line of the San Pedro, Los Angeles and Salt Lake Railroad (U.P.R.R.); thence along said northwesterly line north 39° 20' 43" east 3158.58 feet to the point of beginning.

CHAPTER 186

An act to maintain the Elections Code by amending Section 6864, relating to elections.

[Approved by Governor June 1, 1970 Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6864 of the Elections Code is amended to read:

6864. Verification deputies appointed to obtain signatures to the nomination paper of any candidate may, at any time not more than 70 nor less than 46 days prior to the election, obtain signatures to the nomination paper of the candidate.

SEC. 2. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals the section amended by this act, shall prevail over this act.

CHAPTER 187

An act to amend Section 69752 of the Government Code, relating to superior courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1970. Filed with
Secretary of State June 1, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69752 of the Government Code is amended to read:

69752. (a) Notwithstanding any other provision of this code, no superior court will hold sessions in any city other than the county seat except with the approval of the board of supervisors.

(b) The board of supervisors may terminate superior court sessions being held in any city other than the county seat.

(c) The board of supervisors of counties seeking to establish or terminate branch court sessions shall request the recommendations and advice of the Judicial Council before taking action.

The board of supervisors, under this section, may not terminate sessions of the superior court in any city in which sessions of the superior court were being held on or before January 1, 1957, in a county now having 1 million population or more which is contiguous to a county of 7 million population or more and sessions of the superior court existing in any such county on or about January 1, 1970 are hereby reestablished if they have been terminated during 1970 and may not be terminated by the board of supervisors.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for superior courts to continue to serve the public in areas in which the need for their presence has been demonstrated for many years, this act must take effect immediately.

CHAPTER 188

An act to amend Sections 5627 and 5628 of the Education Code, relating to school district elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 4, 1970. Filed with
Secretary of State June 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5627 of the Education Code is amended to read:

5627. The county superintendent of schools, upon receiving the petition or notice of agreement shall immediately order an election in the district, submitting to the voters of the district the question of withdrawal.

SEC. 2. Section 5628 of the Education Code is amended to read:

5628. Any action undertaken to withdraw from a junior high school or a system of junior high schools is complete when the county superintendent issues the certificate of election results required by Section 1416. Any such action completed prior to the first day of March shall be effective on the next succeeding July 1 and any such action completed on or after the first day of March shall be effective on the second succeeding July 1.

The pupils in grades 7 and 8 who are withdrawn from the junior high school program pursuant to Sections 5626 and 5627 shall not be counted in determining the eligibility of the elementary district withdrawing for square footage allowances for a state school building aid loan pursuant to Section 19420 if they have already been counted by the high school district maintaining the junior high school program as the basis upon which a state school building aid loan has been granted to the high school district.

SEC. 3. If an election has not been held by the county superintendent of schools on any petition to withdraw from a junior high school or system of junior high schools, which petition has been presented to the county superintendent of schools during the 1969-70 school year, because of the limitations heretofore contained in Education Code Section 5628, the county superintendent of schools shall forthwith order, hold, and conduct such election or proceed to hold and conduct any such election heretofore ordered.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health, and safety of the citizens of the state require the orderly and unhampered functioning of public bodies such as school districts and such functioning depends upon the validity of proceedings such as elections to determine the question of withdrawal of elementary school districts from the system of junior high schools maintained by the governing boards of high school districts. In order that pending elections on the question of withdrawal may proceed without fear of later legal attack, it is necessary that this act take effect immediately.

CHAPTER 189

An act to amend Section 7700 of the Fish and Game Code, relating to fish processing.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7700 of the Fish and Game Code is amended to read:

7700. As used in this chapter:

(a) "Reduction plant" means any plant used in the reduction or conversion of fish into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products or byproducts.

(b) "Packer" means any person canning fish or preserving fish by the common methods of drying, salting, pickling, smoking, cold packing, or vacuum packing.

(c) "Fish offal" means the heads, viscera, and other parts of fish taken off in preparing for canning, preserving, packing, and preparing for consumption in a fresh state.

CHAPTER 190*An act to amend Sections 6, 8, 10, 15, 17, 31, 32, and 38 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957), relating to the Tehama County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 6. Within 90 days after a zone has been established the board shall appoint, for each zone, an advisory committee of three persons who own real property within the zone for which they are appointed and whose names appear on the last Great Register of Tehama County, to represent before the board the residents and property owners of that zone. Each person so appointed shall be entitled to participate and be heard at every meeting of the board in which any matter affecting his zone is discussed or considered. The board shall not discuss or consider any matter which affects any zone unless each member of the advisory committee for that zone has been notified in writing as to the time and place of meeting at least five days before the meeting. The board shall take

no affirmative action on any matter pertaining to a zone, unless and until said action is approved by a two-thirds majority of the advisory committee in writing and such written consent is filed with the board. After being notified as required by this section, should any member or members of the advisory committee fail to file a written consent, the said failure of said member or members to act shall be deemed as an approval of the act being considered by the board. The members of the first advisory committee appointed for a zone shall be appointed by the board for the following terms: one member for one year, one member for two years and one member for three years. Thereafter each member shall be appointed for a term of three years, and shall hold office until their successors are appointed and qualified. Vacancies on the advisory committee shall be filled by the board for the unexpired term. Nothing in this act shall be construed to require the appointment of a zone committee for a countywide zone.

SEC. 2. Section 8 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 8. The Board of Supervisors of the County of Tehama shall act as the ex officio Board of Directors of the Tehama County Flood Control and Water Conservation District and shall exercise all the powers enumerated in this act except as otherwise provided and shall perform all other acts necessary or proper in their discretion to accomplish the purpose of this act.

The board of directors may adopt and enforce reasonable rules and regulations for the administration and government of the district and facilitate the exercise of its powers and duties herein set forth, and may employ and fix the compensation of all necessary agents and employees to look after the performance of any work or improvements provided in this act. Each member of the board of directors shall receive twenty-five dollars (\$25) for each day he is in attendance at official meetings of the board and shall be allowed his actual, necessary, and reasonable expenses incurred in carrying out his duties under this act. The chairman of the board of supervisors shall be the chairman of the board of directors, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present shall, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of the board concur therein.

SEC. 3. Section 10 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

SEC. 10. The board of directors may appoint the county clerk, county assessor and tax collector, county auditor, county treasurer, district attorney, their assistants, deputies, clerks and employees to be ex officio officers, assistants, deputies, clerks and employees respectively of the district. Upon appointment, the board of directors by board order shall determine the amount of compensation paid each officer for the ex officio duties required under this act.

SEC. 4. Section 15 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 15. All contracts for the construction of any unit of work, except as hereinafter provided, estimated to cost in excess of three thousand five hundred dollars (\$3,500) shall be let to the lowest responsible bidder in the manner hereinafter provided. The board shall advertise by three insertions in a daily newspaper of general circulation or two insertions in a weekly newspaper of general circulation published in the district inviting sealed proposals for the construction of the work before any contract shall be made therefor, and may let by contract separately any part of said work. The board shall require the successful bidder to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of all claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 (commencing at Section 4200) of Division 5 of Title 1 of the Government Code, and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids, in which case the board may advertise for new bids. In the event no proposals are received pursuant to advertisement therefor, where the estimated cost of such work does not exceed the sum of five thousand dollars (\$5,000) or where the work consists of emergency work necessary in order to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor have said work done by force account. The district shall have the power to purchase in the open market without advertisement for bids therefor, materials and supplies for use in any work therewith either under contract or by force account; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds five thousand dollars (\$5,000), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

The provisions of this section shall have no application to a contract entered into with the United States under the authority of Section 3 of this act, or to a contract authorized by a vote of the electorate of the district.

SEC. 5. Section 17 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 17. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, or any other indebtedness to the United States, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with county taxes and not to exceed, however, the sum of seven cents (\$0.07) on each one hundred dollars (\$100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay the costs and expenses of surveys, of zoning, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published, all costs and expenses of legal actions or proceedings, and also the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

The board may condition any increase in the tax levied pursuant to this section above the sum of three cents (\$0.03) on each one hundred dollars (\$100) of the assessed valuation of all property within the district upon the approval of a majority of the registered voters within the district voting at an election called for that purpose and held within the district.

The tax levied pursuant to this section shall be known as the general tax levy for the district.

SEC. 6. Section 31 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 31. The board shall at the time for fixing the general tax levy for district purposes pursuant to Section 17 and in the manner of such general tax levy provided, levy and collect annually each year until the bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. There may be included in such tax a sum sufficient, in the judgment of the board to take care of anticipated delinquencies, except that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, tax shall be levied and collected annually at the time and in the aforesaid manner, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all

other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon all taxable property within the benefiting zones excluding any property belonging to any county, municipality, or political subdivision within the district, or property belonging to the State of California or the United States.

If the district has been divided into zones and the amount to be raised for the redemption of principal and interest of the bonds from each such zone has been determined as provided in this act, the amount of the tax levied shall be divided according to the amount, and the amount to be raised from the taxable property within each zone shall be levied upon and against the property in such zone as hereinbefore provided.

The provisions of law of this state prescribing the time and manner of levying, assessing, equalizing and collecting county property taxes including the sale of property for delinquency, and for redemption from such sale, and the duties of the several county officers with respect thereto, so far as they are applicable, and not in conflict with the specific provisions of this act, are hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this act.

The board shall take the assessment on the equalized roll of the County of Tehama as the basis for district taxes and for its taxes collected by the county officials of said county. On or before the first of August the board shall file with the auditor a certified copy of the map or plat showing the zones and the amount to be raised from each zone. The auditor of such county must, on or before the second Monday of August of each year, transmit to the board a statement in writing showing the total value of all property within the district, which value shall be ascertained from the equalized roll of such county for that year. Said statement shall also show the total value of all property in each of said zones respectively.

The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars (\$100) on the equalized roll, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board shall constitute a valid assessment of the property and a valid levy of the tax so fixed. The board must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and

when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

All taxes levied under the provisions of this act shall be a lien upon the property on which they are levied and unless the board has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

SEC. 7. Section 32 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 32. After the formation of a zone in the district, the board shall have power, in any year, to levy a tax upon the taxable property in the benefiting countywide or intracounty zones as provided in Section 31 at the time and in the manner set forth therein, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any work or improvement of such zones for the ensuing fiscal year. The board shall have power to control and order the expenditures for said purposes of all revenue so derived, except that taxes levied under this section for any one year shall not exceed the rates specified in this section on each one hundred dollars (\$100) of the assessed valuation of the property in such zones as said assessed valuation is shown on the last preceding assessment records for state and county purposes.

The board on its own motion may set a tax rate not exceeding five cents (\$0.05) on each one hundred dollars (\$100) of the assessed valuation of such property. Upon the filing with the board of the unanimous written consent of the advisory committee, if there be a committee, the board may by majority vote set a tax rate not exceeding fifteen cents (\$0.15) on each one hundred dollars (\$100) of the assessed valuation of such property. The board may call a special election for the purpose of submitting to the voters of the zone a resolution to authorize the board to set a tax rate not exceeding fifty cents (\$0.50) on each one hundred dollars (\$100) of the assessed valuation of such property during the years specified in the resolution. If a majority of the votes cast at the special election approve the resolution, the board is authorized to set the tax rate in accordance with the resolution.

Such tax shall be in addition to any tax levied to meet the bonded indebtedness of said district and all interest thereon. If the district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 8. Section 38 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is amended to read:

Sec. 38. Notwithstanding Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code, the district is validly created for the purposes of assessment and taxation. The creation of any zone in the district shall not be effective for purposes of assessment or taxation for the fiscal year 1957-58 and shall not be effective for such purposes for any fiscal year thereafter unless the statement and map or plat required by Chapter 8 (commencing at Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code are filed with the county assessor and the State Board of Equalization on or before the first of February of the year in which the assessments or taxes are to be levied. Until such time as the creation of any zone shall be effective for purposes of assessment or taxation, any tax or assessment levied by the board shall be levied at a uniform rate on all property in the district.

For the fiscal year 1957-58, but for no other fiscal year, the assessment and equalization of property for the purpose of district taxation shall be effected as provided in this section.

Assessments of this district for the fiscal year 1957-58 are liens on the property the same as if they were county taxes, except that the district assessment liens attach as of noon on the day after this act becomes effective.

It is presumed that the assessments of property made by the county assessor and by the State Board of Equalization for county taxation purposes for the fiscal year 1957-58 are the correct assessments for purposes of assessment by the district and the rolls prepared by the county assessor and the State Board of Equalization shall be used for purposes of levying and collecting the assessments for the district. If the ownership or taxable situs or value of any property changes between noon on the first Monday in March, 1957, and the date on which attaches the lien for assessments of the district for the fiscal year 1957-58, then, on petition of the taxpayer affected to the assessing authority, suitable entry shall be made on the assessment roll, in the manner prescribed by the State Board of Equalization, to indicate such change in the ownership or taxability or value of the property for purposes of assessment by the district.

In equalizing the assessments made by the county assessor, the Tehama County Board of Equalization, in addition to its regular equalization duties shall also, in the same manner and under the same rules, equalize the valuation of property for purposes of assessment by the district in accordance with the requirements of this section and any such changes made by the county board of equalization in the assessment roll shall be entered in the manner prescribed by the State Board of Equalization.

If, for purposes of assessments by the district, a change in the assessment for county taxation purposes is not sought under this section before the end of the period during which such assessment may be equalized, or corrected on a petition for reassessment, such assessment, if valid for county taxation purposes, is conclusively presumed to be the correct assessment for assessment purposes of the district.

The board may prescribe by ordinance any necessary procedure, in accordance with the policy of this act, for the purpose of assessing, equalizing, levying, and collecting taxes or assessments for the district for the fiscal year 1957-58.

Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code does not apply to the district with respect to any tax or assessment levied by the district for the fiscal year 1957-58.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The present operation of the Tehama County Flood Control and Water Conservation District has become so complex that it requires a greater amount of time and effort to be spent by the board of directors. The knowledgeable citizens who are available are not able to spend the considerable time that is needed for planning and executing a system to prevent recurrent floods and to carry out the other provisions of this act which are essential to these urgently needed programs of flood control and water conservation and to protect lives and property in Tehama County.

CHAPTER 191

An act to add Section 1720 to the Civil Code, relating to credit.

[Approved by Governor June 9, 1970 Filed with
Secretary of State June 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1720 is added to the Civil Code, to read:

1720. (a) If an obligee fails to give a timely response to an inquiry of an obligor concerning any debit or credit applicable to an obligation, he shall not be entitled to interest, financing charges, service charges, or any other similar charges thereon, from the date of mailing of the inquiry to the date of mailing of the response.

(b) For the purpose of subdivision (a):

(1) An "inquiry" is a writing which is posted by certified mail to the address of the obligee to which payments are nor-

mally tendered, unless another address is specifically indicated on the statement for such purpose, then to such address.

(2) A "response" is a writing which is responsive to an inquiry and mailed to the last known address of the obligor.

(3) A response is "timely" if it is mailed within 60 days from the date on which the inquiry was mailed.

(c) This section shall only apply to an obligation created pursuant to a retail installment account as defined by Section 1802.7, or to an obligation created pursuant to a transaction on a credit card as defined by Section 1718.

CHAPTER 192

An act to amend Section 2873 of the Penal Code, relating to state prisons.

[Approved by Governor June 9, 1970. Filed with Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2873 of the Penal Code is amended to read:

2873. All articles, materials and supplies, herein authorized to be produced or manufactured under Sections 2701 and 2702 shall be purchased from the state prisons of this state, by this state or any agency thereof, and may be purchased by any county, city, district, or political subdivision, or any agency thereof, at the prices fixed in the manner herein provided.

CHAPTER 193

An act to amend Sections 26906, 29701, 29742, and 29802 of the Government Code, to amend Section 21151 of the Education Code, to amend Section 1039.1 of the Penal Code, and to amend Section 15001 of the Welfare and Institutions Code, relating to government of counties.

[Approved by Governor June 9, 1970. Filed with Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26906 of the Government Code is amended to read:

26906. Any money other than taxes erroneously paid into the county treasury may be returned to the person paying it in upon a warrant drawn by the auditor on the order of the board of supervisors based upon such voucher as shows proper evidence of the facts. The board of supervisors may, by resolution, authorize the auditor to act in lieu of and with the same

authority as the board of supervisors in ordering the return of such money. If the board of supervisors authorizes the auditor to make such refunds in lieu of and with the same authority as the board, the auditor shall periodically, but not less than annually, file a report with the board listing all such refunds.

SEC. 2. Section 29701 of the Government Code is amended to read:

29701. The board shall not consider a claim unless it is presented not less than three days or, if prescribed by ordinance, five days prior to the date of the meeting of the board at which it is considered. Notwithstanding the foregoing, the board may provide by ordinance that this section shall not apply to any claims or to specified classes of claims.

SEC. 3. Section 29742 of the Government Code is amended to read:

29742. The auditor shall issue his warrant on the county treasury for such an amount for each claim as he finds to be a correct and legal county charge. He shall not issue his warrant for any claim that has not been on file in his office for at least three days. Notwithstanding the foregoing, the board may, upon recommendation of the county auditor, provide by ordinance that the three-day waiting period shall not apply to any claims or to specified classes of claims.

SEC. 4. Section 21151 of the Education Code is amended to read:

21151. Unless otherwise provided by county ordinance, any school warrant not presented to the county treasurer within six months after it was issued is void and any order issued by the governing board of a school district, but not approved by the county superintendent of schools for want of funds, is void if not presented to the county superintendent of schools within two years after notice has been given that the order will be approved on presentation. The county auditor shall each month inform the county superintendent of schools of warrants which have become void during the preceding month and the county superintendent of schools shall transmit such information to the governing board of the school district together with information as to orders which have become void.

SEC. 5. Section 1039.1 of the Penal Code is amended to read:

1039.1. The clerk of the county to which the action is removed shall certify the amount of costs allowed and certified by the court to the auditor of his county. The auditor shall audit the account and forward to the auditor of the county from which the action was transferred a certified copy of the total amount of costs allowed by the court, giving each item as certified to him by the county clerk and the court. The auditor receiving the certified copy of the costs allowed shall enter them in his book as a charge against the treasury of his county, draw his warrant therefor upon such treasury and forward

the warrant to the auditor of the county to which the action was removed. The treasurer of the county from which the action was removed shall immediately upon presentation pay the warrant out of the general fund of his county. If at the date of presentation there is not sufficient money in the general fund to pay the warrant, he shall endorse upon it "Not paid for want of funds," and the warrant shall be registered and draw interest at the same rate and be paid in the same manner as other registered county warrants.

SEC. 6. Section 15001 of the Welfare and Institutions Code is amended to read:

15001. Any warrant issued in payment of aid under this division is subject to the provisions of Section 29802 of the Government Code. Each such warrant shall bear on its face a statement that the warrant shall be void if not presented to the county treasurer for payment within six months after the date of issuance thereof.

The provisions for a new warrant as provided in Section 29802 of the Government Code shall also apply to the assignee of a warrant, or the legal representative or heir of a deceased recipient determined in accordance with the provisions of Section 12158 of this code.

SEC. 7. Section 29802 of the Government Code is amended to read:

29802. Unless otherwise provided by ordinance, any warrant issued is void if not presented to the county treasurer for payment within six months after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

Any time within two years from the date on which the original warrant became void, the payee or assignee of any warrant which is void as provided in this section may present such warrant to the governing body of the agency on which the warrant was drawn, or declare by affidavit that such warrant has been lost or destroyed, and the governing body of such agency may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant, or the governing body may by resolution authorize the auditor to draw new warrants within the limitations prescribed by the resolution without prior individual order of the governing body, provided the limitations prescribed by this section have been complied with. Any such new warrant shall be subject to the same limitations as the original warrant which it replaces.

SEC. 8. Section 4 of this act shall become operative on July 1, 1971, and the provisions thereof shall be applicable to any warrants issued on or subsequent to such operative date.

CHAPTER 194

An act to add Section 24323 to, and to repeal Section 24323 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24323 of the Health and Safety Code is repealed.

SEC. 2. Section 24323 is added to the Health and Safety Code, to read:

24323. Judicial review of the decision of the hearing board may be had by filing a writ of mandate in accordance with the provisions of the Code of Civil Procedure within 30 days after the date upon which the decision of the hearing board was filed. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the hearing board and shall be delivered to the petitioner within 30 days after a request therefor by him, upon payment of the fee specified in Section 69950 of the Government Code.

The hearing board may file with the court the original of any document in the record in lieu of a copy thereof.

CHAPTER 195

An act to maintain the Insurance Code by amending Sections 986, 1712.5, and 1714, relating to insurance.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 986 of the Insurance Code is amended to read:

986. A life insurer issuing policies on a reserve basis is insolvent whenever its assets are exceeded by the amount necessary to provide for its liabilities and for reinsurance of all its outstanding risks at the following rates:

(a) In the case of contracts issued in a foreign country, upon the lives of residents thereof, by a domestic insurer authorized to and doing business in that foreign country, the rates shall be in accordance with the standard of mortality approved by the commissioner, as provided by law.

(b) In the case of group insurance, at the rates required by law for valuation thereof.

(c) In the case of all other outstanding risks written prior to January 1, 1892, at the rates based upon the American Experience Table of Mortality with interest at the rate of 4½ percent per annum.

(d) In the case of all its other outstanding risks written from and after December 31, 1891, up to and including December 31, 1907, at rates based upon the Combined Experience or Actuaries' Table of Mortality with interest at the rate of 4 percent per annum.

(e) In the case of all its other outstanding risks written from and after December 31, 1907, and prior to the operative date as to such risks of Article 3a (commencing with Section 10159.1), Chapter 1, Part 2, Division 2, at rates based upon the American Experience Table of Mortality with interest at the rate of $3\frac{1}{2}$ percent per annum, and, where applicable, in accordance with Section 10486.9.

(f) In the case of contracts of disability insurance, as defined in Section 106, according to the standards provided in Section 997.

(g) In the case of all other risks, according to the standards provided in Article 3a (commencing with Section 10489.1), Chapter 5, Part 2, Division 2.

SEC. 2. Section 1712.5 of the Insurance Code is amended to read:

1712.5. The license of an organization licensed as an insurance agent, life agent, or insurance broker shall become inoperative upon the removal of the last natural person named thereon.

Unless such license is reactivated within 30 days by the correction of all deficiencies including, if necessary, the adding of a natural person to transact insurance under the authority of the organization's license pursuant to Section 1661, the license shall automatically terminate and may not be renewed, and the physical evidence of the license shall be returned by its lawful custodian to the commissioner.

SEC. 3. Section 1714 of the Insurance Code is amended to read:

1714. A person shall not be permitted to take an examination for a license as a life agent, an insurance agent or an insurance solicitor unless at the time of the administration thereof he is in compliance with subdivision (a) of Section 1704 or Section 1657, as the case may be.

SEC. 4. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 196

An act to maintain the Business and Professions Code by amending Sections 8706, 8710, 10153.3, 10210 and 18721, relating to business and professions.

The people of the State of California do enact as follows:

SECTION 1. Section 8706 of the Business and Professions Code is amended to read:

8706. "Board" refers to the State Board of Registration for Professional Engineers.

SEC. 2. Section 8710 of the Business and Professions Code is amended to read:

8710. The State Board of Registration for Professional Engineers is vested with power to administer the provisions and requirements of this chapter, and may make and enforce rules and regulations which are reasonably necessary to carry out its provisions.

SEC. 3. Section 10153.3 of the Business and Professions Code is amended to read:

10153.3. The examination for real estate broker license shall, in addition to the requirements of Section 10153, include separate and distinct sessions, devoted to determining that the applicant has both:

(a) An understanding of real estate financing.

(b) An understanding of real estate appraisal.

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (a), submit evidence, satisfactory to the commissioner, of successful completion of a three-semester unit course or the quarter equivalent thereof in real estate financing at an accredited institution of higher learning.

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (b), submit evidence, satisfactory to the commissioner, of successful completion of a three-semester unit course or the quarter equivalent thereof in real estate appraisal at an accredited institution of higher learning.

The provisions of this section shall be effective until December 31, 1971, and thereafter shall have no force or effect.

SEC. 4. Section 10210 of the Business and Professions Code is amended to read:

10210. The fee for an active original or renewal real estate broker license is eighty-five dollars (\$85).

SEC. 5. Section 18721 of the Business and Professions Code is amended to read:

18721. Every person who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance on a closed-circuit telecast viewed within this state shall, within 72 hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number of tickets issued or sold, and the gross receipts therefor without any deductions whatsoever. Such person shall also, at the same time, pay to the commission a tax, exclusive of federal taxes thereon, of one cent (\$.01) for each twenty cents

(\$0.20) or fraction thereof, of the amount paid for admission to the showing of the contest, match, or exhibition. In no event, however, shall the tax be less than twenty-five dollars (\$25). The tax shall apply uniformly at the same rate to all persons subject to the tax. The tax on admission applies to the amount actually paid for admission, and not to the regular established price. No tax is due in the case of a person admitted free of charge.

SEC. 6. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 197

An act to amend Sections 37721 and 37723 of the Agricultural Code, relating to cottage cheese.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 37721 of the Agricultural Code is amended to read:

37721. As used in this article:

(a) "Milk" means sweet milk of cows.

(b) "Skim milk" means milk from which the milk fat has been separated.

SEC. 2. Section 37723 of the Agricultural Code is amended to read:

37723. Partially creamed cottage cheese or low-fat cottage cheese, is the soft uncured cheese which is prepared by mixing cottage cheese with one or more of the following pasteurized products or a pasteurized mixture of two or more of them: cream, milk, skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water. The pasteurized product or mixture shall be used in such quantity that the milk fat which is added thereby is not less than 0.5 percent, nor more than 2 percent by weight of the finished partially creamed cottage cheese or low-fat cottage cheese. The finished partially creamed cottage cheese or low-fat cottage cheese shall contain not more than 82.5 percent of moisture.

CHAPTER 198

An act to add Section 5259 to the Financial Code, relating to savings and loan associations.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5259 is added to the Financial Code, to read:

5259. Any association which rents or otherwise makes safe deposit boxes available to the public shall be entitled to all of the remedies set forth in Sections 1660 to 1679, inclusive, and may dispose of the unclaimed contents of such safe deposit boxes in the manner set forth in Sections 1660 to 1679, inclusive.

CHAPTER 199

An act to add Article 2.5 (commencing with Section 13611) to Chapter 3 of Division 10 of the Education Code, relating to classified school employees.

[Approved by Governor June 9, 1970. Filed with Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 13611) is added to Chapter 3 of Division 10 of the Education Code, to read:

Article 2.5. Differential Compensation

13611. For purposes of this article, the following definitions shall apply unless the context indicates otherwise:

(a) "Differential compensation" means either a reduction in the number of hours required to be actually worked or an increase in salary.

(b) "Shift" means the number of hours worked and shall include a duty-free meal period of not less than one-half hour which, in the case of a seven- or eight-hour shift, shall occur approximately at the midpoint of the shift. This subdivision shall not apply to employees working six hours or less, or assigned to a split shift.

13612. The governing board of every school district, or the personnel commission in any merit system school district, shall, insofar as it is possible to do so, determine the practices relating to morning- and night-shift salary differentials in the private employment fields in which it must compete for employees for its classified staff and shall, consider the advisability of providing comparable salary differentials for its classified staff.

13613. The governing board of any school district may provide differential compensation to those classified employees who perform duties of a distasteful, dangerous, or unique nature when, in the opinion of the board, such compensation is reasonably justified.

In a merit system district, such differentials shall be based upon findings and recommendations of the personnel commis-

sion and shall not be applied in a manner contrary to the principle of like pay for like service.

13614. Assignment to duties for which differential compensation is designated, other than a temporary assignment of less than 20 working days, shall be made on the basis of seniority among those employees within the appropriate class who request such an assignment.

13615. No employee assigned to work a shift entitled to differential compensation shall be demoted in class or grade as a result of such an assignment.

13616. An employee receiving differential compensation on the basis of his shift shall not lose such compensation if he is temporarily, for 20 working days or less, assigned to a shift not entitled to such compensation. The regular rate of pay for all purposes of an employee assigned to a shift which provides differential compensation shall be the differential rate.

13617. This article shall apply to school districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 200

An act to amend Section 18897.6 of the Health and Safety Code, relating to regulation of organized camps.

[Approved by Governor June 9, 1970. Filed with
Secretary of State June 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18897.6 of the Health and Safety Code is amended to read:

18897.6. Organized camps shall not be subject to regulation by any state agency other than the State Department of Public Health, California regional water quality control boards, the State Water Resources Control Board, and the State Fire Marshal; provided, that this section shall not affect the authority of the Department of Industrial Relations to regulate the wages or hours of employees of organized camps.

CHAPTER 201

An act to amend Section 3113 of the Streets and Highways Code, relating to assessment district maps.

[Approved by Governor June 15, 1970. Filed with
Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3113 of the Streets and Highways Code is amended to read:

3113. The legislative body shall not order a modification in the boundaries of an assessment district shown on a previously filed map of the assessment district unless it shall describe such proposed modification by reference to a revised map of the assessment district and the clerk of the legislative body shall have filed such revised map with the county recorder at least 10 days prior to the adoption of any such order; provided, however, that in the case of a modification to delete territory from the assessment district, the clerk of the legislative body shall file a revised map showing the modification with the county recorder within 10 days after the order of such modification.

CHAPTER 202

An act to amend Section 13050 of the Water Code, relating to water quality.

[Approved by Governor June 15, 1970. Filed with
Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13050 of the Water Code is amended to read:

13050. As used in this division:

(a) "State board" means the State Water Resources Control Board.

(b) "Regional board" means any California regional water quality control board for a region as specified in Section 13200.

(c) "Person" also includes any city, county, district, the state or any department or agency thereof. "Person" includes the United States, to the extent authorized by federal law.

(d) "Waste" includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(e) "Waters of the state" means any water, surface or underground, including saline waters, within the boundaries of the state.

(f) "Beneficial uses" of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

(g) "Quality of the water" or "quality of the waters" refers to chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affect its use.

(h) "Water quality objectives" means the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

(i) "Water quality control" means the regulation of any activity or factor which may affect the quality of the waters of the state and includes the prevention and correction of water pollution and nuisance.

(j) "Water quality control plan" consists of a designation or establishment for the waters within a specified area of (1) beneficial uses to be protected, (2) water quality objectives, and (3) a program of implementation needed for achieving water quality objectives.

(k) "Contamination" means an impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of waste, whether or not waters of the state are affected.

(l) "Pollution" means an alteration of the quality of the waters of the state by waste to a degree which unreasonably affects: (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. "Pollution" may include "contamination."

(m) "Nuisance" means anything which: (1) is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the treatment or disposal of wastes.

(n) "Reclaimed water" means water which, as a result of treatment of waste, is suitable for a direct beneficial use or a controlled use that would not otherwise occur.

(o) "Citizen or domiciliary" of the State of California includes a foreign corporation having substantial business contacts in the State of California or which is subject to service of process in this state.

CHAPTER 203

An act to add Section 255.1 to the Revenue and Taxation Code, relating to the homeowners' property tax exemption, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 255.1 is added to the Revenue and Taxation Code, to read:

255.1. The assessor, whenever in his judgment good cause exists, may grant a reasonable extension of time for filing a claim for the homeowners' property tax exemption to any claimant who has filed a timely claim, but the claim is otherwise defective because it lacks either all required information or the signature of the claimant.

Only one extension shall be allowed to such claimant for any one filing period. No extension shall be more than six months from the due date provided for filing the claim, unless the assessor does not find and notify the claimant of the defect within a reasonable time to allow resubmission of the defective claim as corrected before the expiration of the six-month extension, in which case the assessor shall extend the permissible period for filing no more than three months from the time the defect or defects are found and the claimant is notified.

SEC. 2. This act shall be operative with respect to claims for the 1970-1971 fiscal year and fiscal years thereafter.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the act to apply to defective claims filed for the 1970-1971 fiscal year, it is necessary for the act to take immediate effect.

CHAPTER 204

*An act to amend Section 13715 of the Education Code,
relating to rules of school personnel commission.*

[Approved by Governor June 15, 1970. Filed with
Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13715 of the Education Code is amended to read:

13715. (a) The rules of the commission and copies of this article (commencing with Section 13701) shall be printed and given to each permanent employee in the classified service. The data given to employees shall also be made available to the public and those concerned with the enforcement of this article (commencing with Section 13701).

(b) In a school district which has more than 5,000 classified employees the commission may, in lieu of subdivision (a) of this section: (1) establish a library of at least five copies of the complete rules for loan to employees, plus one additional loan

copy for each 500 permanent employees in the classified service, and (2) distribute copies of its rules to each school, office, and worksite where they shall be available to permanent employees in the classified service, the public, and those concerned with the enforcement of this article (commencing with Section 13701), and (3) give to each new regular employee a handbook which summarizes the basic rules and working conditions for classified employees and provides information regarding access to copies of the complete rules and the merit system.

CHAPTER 205

An act to amend Section 6084 of the Harbors and Navigation Code, relating to harbor districts.

[Approved by Governor June 15, 1970. Filed with Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6084 of the Harbors and Navigation Code is amended to read:

6084. Notwithstanding any other provision of this part, the board may borrow money by issuance of promissory notes, or execute conditional sales contracts to purchase personal property, in an amount or of a value not exceeding in the aggregate at any one time the sum of five hundred thousand dollars (\$500,000), for the purposes of acquiring land for and constructing or operating any work, project, or facility authorized by subdivision (d) of Section 6012 or Section 6075 or for the making of improvements or the purchase of equipment or for the maintenance thereof.

All moneys borrowed pursuant to this section shall not be borrowed for a term exceeding five years, and said indebtednesses shall not incur a rate of interest in excess of 7 percent per annum. Each such indebtedness shall be authorized by a resolution of the board of commissioners unanimously adopted.

As a condition precedent to the borrowing of any money or the execution of any conditional sales contract, as provided in this section, in excess of twenty-five thousand dollars (\$25,000), the board shall first unanimously approve by resolution and have on file a report on the engineering and economic feasibility relating to the project contemplated for the expenditure of said borrowed money or conditional sales contract. Said feasibility report shall be prepared and signed by an engineer or engineers licensed and registered under the laws of the State of California.

The district shall budget, levy and collect taxes, and pay for all such indebtedness without limitation by any other provision of this part.

CHAPTER 206

An act to amend Section 11543.5 of the Business and Professions Code, relating to public improvements.

[Approved by Governor June 15, 1970. Filed with Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision, or the filing of a parcel map for a division of land not defined as a subdivision, for which payment of a fee is required;

(2) The ordinance refers to a drainage plan adopted for a particular drainage area, which contains an estimate of the total costs of constructing the local drainage facilities required by the plan, and a map of the drainage area showing its boundaries and the location of planned drainage facilities;

(3) The drainage plan, in the case of a city, situated in a county having a countywide general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan, or in the case of a city situated in a county not having a countywide general drainage plan but in a district having a general drainage plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having a countywide general drainage plan and in a district having a general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision, or division of land not defined as subdivision, and development of property within the planned local drainage area will require construction of the facilities described in the drainage plan, and that the fees are fairly apportioned within the local drainage area either on the basis of benefits conferred on property proposed for subdivision or other division or on the need for local drainage facilities created by the proposed subdivision or other di-

vision and development of other property within the local drainage area;

(5) The fee as to any property proposed for subdivision within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(6) The drainage facilities planned are in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area.

Fees required by an ordinance adopted pursuant to this section shall be paid into a "planned local drainage facilities fund." A separate fund shall be established for each local drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing drainage facilities within a local drainage area and reimburse the general fund for such advances from the planned local drainage facilities fund for the local drainage area in which the drainage facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage facilities within a local drainage area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage facilities fund.

CHAPTER 207

An act to maintain the Revenue and Taxation Code by amending Sections 254.5 and 13403, relating to taxation.

[Approved by Governor June 15, 1970. Filed with
Secretary of State June 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 254.5 of the Revenue and Taxation Code is amended to read:

254.5. Affidavits for the welfare exemption shall be filed in duplicate on or before March 15 of each year with the assessor concerned and shall be accompanied by duplicate certified copies of the financial statements of the owner and operator. Copies of the affidavits and financial statements shall be forwarded not later than April 1 by the assessor with his recom-

mentations for approval or denial to the board which shall review all such affidavits and statements and may institute an independent audit or verification of the operations of the owner and operator to ascertain whether both the owner and operator meet the requirements of Sections 214 and 215 of the Revenue and Taxation Code. In this connection the board shall consider, among other matters, whether:

(a) The services and expenses of the owner or operator (including salaries) are excessive, based upon like services and salaries in comparable public institutions;

(b) The operations of the owner or operator, either directly or indirectly, materially enhance the private gain of any individual or individuals;

(c) Any capital investment of the owner or operator for expansion of physical plant is justified by the contemplated return thereon, and required to serve the interests of the community.

(d) The property on which exemption is claimed is used for the actual operation of an exempt activity and does not exceed an amount of property reasonably necessary to the accomplishment of the exempt purpose.

The board shall make a finding as to the eligibility of each applicant and the applicant's property and shall forward its finding to the assessor concerned not later than June 1. In a case where the board conducts a hearing with respect to the eligibility of the applicant and the applicant's property, the time for making the finding and forwarding it to the assessor concerned is extended to no later than June 15. The assessor may deny the claim of an applicant the board finds eligible but may not grant the claim of an applicant the board finds ineligible.

SEC. 2. Section 13403 of the Revenue and Taxation Code is amended to read:

13403. In computing the tax, the exemption allowed by Article 1 (commencing with Section 13801) of Chapter 5 of this part is deducted from the clear market value of the property transferred, and the tax is computed on the remainder of the property at the same rates that would have been applicable had the exemption not been allowed.

SEC. 3. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 208

An act relating to school district expenditures for salaries of classroom teachers, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any provisions of Article 5 (commencing with Section 17501) of Chapter 2 of Division 14 of the Education Code, a school district may apply to the Superintendent of Public Instruction, on or before June 30, 1970, for exemption from the provisions of Section 17503 for purposes of moneys made unavailable for expenditure during the 1969-1970 fiscal year pursuant to that section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The fiscal soundness of one or more comparatively low-wealth school districts has become substantially impaired during the closing months of the 1969-1970 fiscal year, due to the freezing of state apportionments because of failure to file the request for exemption on or before September 15, 1969. In order that the necessary steps to provide relief for the affected districts may be taken prior to the expiration of the 1969-1970 fiscal year, it is essential that this act take effect immediately.

CHAPTER 209

An act to amend Section 5104 of the Streets and Highways Code, relating to Improvement Act of 1911.

[Approved by Governor June 17, 1970 Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5104 of the Streets and Highways Code is amended to read:

5104. If the written consent of the owner of the property is first obtained, work may be done on private property to eliminate any disparity in level or size between the improvement and driveways, housewalks, and sewers, provided that the legislative body determines in the resolution of intention to order the improvement that it is in the public interest and more economical to do such work on private property than to adjust the work on public property to eliminate such disparity. The actual cost of such work shall be added to the assessment of the lot on which the work is done.

CHAPTER 210

An act to amend Section 5895.53 of the Streets and Highways Code, relating to construction of sidewalks and curbs.

[Approved by Governor June 17, 1970 Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5895.53 of the Streets and Highways Code is amended to read:

5895.53. The legislative body of the city or county which undertakes the construction of improvements pursuant to the provisions of this article shall have the authority to levy an assessment to pay the cost of any such construction of improvements, notwithstanding the fact that the improvements or the property fronting on the improvements lies outside the territory of the city or county. Such assessment shall be levied, shall be a lien, and shall be collected in accordance with the provisions of Article 3 (commencing with Section 5890) of this chapter. The assessments so collected shall be paid to the treasurer of the city or county under whose authority the improvements were constructed.

CHAPTER 211

An act relating to school building aid, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated from the State Construction Program Fund in the State Treasury, of the amount transferred to such fund pursuant to Section 17303.7 of the Education Code which is not required for expenditure for the purposes specified in Section 17303.7, the sum of sixteen million five hundred sixty-four thousand three hundred twenty-two dollars (\$16,564,322) to the State School Building Aid Fund for the purposes of the State School Building Aid Law of 1952 (Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code) in augmentation of any other funds available for such purposes.

In enacting this act, the Legislature hereby directs that the funds so appropriated shall be apportioned by the State Allocation Board to those school districts which are experiencing the most rapid growth and are otherwise eligible to receive apportionments under the State School Building Aid Law of 1952.

SEC. 2. The proceeds from the sale of bonds made after the effective date of this act pursuant to the State School Building Aid Bond Law of 1966 (Chapter 15.7 (commencing with Section 19931) of Division 14 of the Education Code) shall be utilized in the following order of priority:

(a) The first priority shall be given to those bond sales which the State Allocation Board hereafter requests the State School Building Finance Committee to make for the benefit of specified school districts, where it appeared or does hereafter appear to the satisfaction of the board at the time of the request that the bonds could not be or were unlikely to be sold generally at the maximum interest rate permitted by law, but that there would be bidders for the specific amount of bonds requested to be sold for the benefit of the specified school districts who would bid within the maximum rate as an accommodation to the school districts; provided that such priority shall be honored only from the proceeds of any such sales so made.

(b) The second priority from the proceeds of the bond sales shall be to repay fourteen million dollars (\$14,000,000) to the General Fund, or so much as has been previously advanced from the General Fund to the State School Building Aid Fund pursuant to an executive order of the Director of Finance pursuant to Section 19938 of the Education Code, as well as any further advances from the General Fund to the State School Building Aid Fund pursuant to Section 19938 of the Education Code.

(c) The third priority from the proceeds of the bond sales shall be to repay the amount appropriated from the State Construction Program Fund pursuant to Section 1 of this act.

(d) The fourth priority shall be for the use of the proceeds of the bond sales as otherwise provided by law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There are a number of rapidly growing school districts in the state which do not have resources with which to construct schools. Many of these districts have schools which are already on double sessions. The national bond market conditions have made it impossible to sell state general obligation bonds for continuation of the State School Building Aid Program, thereby making it impossible for such districts to obtain school building construction aid at this time. Further growth is continuing in these rapidly growing school districts which will result in more and more pupils being on double sessions, imposing an even further hardship. An appropriation from the State Construction Program Fund is necessary to alleviate the problem at the earliest possible time and thus effectuate the intent of the Legislature in its support of the public school program.

CHAPTER 212

An act to amend Section 22825 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1970. Filed with Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22825 of the Government Code is amended to read:

22825. The employer and each employee or annuitant shall contribute a portion of the cost of providing for each employee and annuitant the benefit coverage afforded under any health benefit plan which the board has approved or for which it has executed a contract pursuant to this part, and in which the employee or annuitant may be enrolled.

The employer's contribution for each employee or annuitant shall be the amount necessary to pay the cost of his enrollment, including the enrollment of his family members, in a health benefits plan or plans, or, if less, the monthly amount in each fiscal year as indicated in the following table:

Monthly contribution	Fiscal year
\$8.00 -----	1969-70
\$10.00 -----	1970-71
\$12.00 -----	1971-72
\$14.00 -----	1972-73
\$16.00 -----	1973-74

The monthly employer contributions provided for in this table shall be based on payroll periods and retirement rolls, and shall commence with the July payroll period and July retirement rolls for the fiscal year specified. There shall be only one such contribution with respect to all annuitants receiving allowances as survivors of the same employee or annuitant. The employer's contribution to the health benefits plan or plans to each employee shall commence on the first day of the calendar month next following the completion of six months of employment by the employer; provided the employment has not been interrupted by a break of more than one month, except that absence for military service shall not be considered a break.

The contribution of each employee and annuitant shall be the total cost per month of the benefit coverage afforded him under the plan or plans less the portion thereof to be contributed by the employer.

Sec. 2. In order to reimburse the General Fund and the other funds in the State Treasury for the increased contributions by the State of California during the 1970-71 fiscal year

to employees' health benefits plans, as provided for by this act, there is hereby appropriated the sum of two million eight hundred thousand dollars (\$2,800,000) out of the unencumbered balance of the state's contributions to the State Employees' Contingency Reserve Fund for transfer by the State Controller to the General Fund and to the other funds in the State Treasury from which the contributions were made upon allocation by and at the direction of the Director of Finance.

SEC. 3. This act shall become operative July 1, 1970.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

Increased costs under the health benefits plans effective in fiscal year 1969-70 will result in a significant reduction in take-home pay of state employees enrolled in such plans. To provide relief against the hardship of such employees and to the end of improving the public service, it is necessary that this act take immediate effect.

CHAPTER 213

An act to amend Section 951.1 of the Probate Code, relating to the administration of estates.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 951.1 of the Probate Code is amended to read:

951.1. Funeral expenses and expenses of last illness shall be deemed debts payable out of the estate of the deceased spouse, and shall not be charged to the community share of a surviving spouse, whether or not the surviving spouse is financially able to pay such expenses and whether or not the surviving spouse or any other person is also liable therefor.

CHAPTER 214

An act to amend Section 21831 of the Business and Professions Code, relating to brake fluid.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21831 of the Business and Professions Code is amended to read:

21831. Brake fluid shall be deemed to be misbranded if:

(a) The container does not bear a label on which is printed the name and place of business of the manufacturer, packer, seller or distributor, the brand name, the words "brake fluid," and the duty type classification.

(b) The receptacle or device used to store or dispense brake fluid does not bear a label on which is printed the words "brake fluid," the brand name, and the duty type classification. A receptacle or dispensing device used for servicing vehicle hydraulic brake systems is exempt from the provisions of subdivision (a) and subdivision (c).

(c) The container does not bear on its side or top an accurate statement of the quantity of the contents in terms of liquid measure.

(d) The labeling on the container is false or misleading in any particular.

The words and letters required by this section shall appear on the label in legible type.

CHAPTER 215

An act to amend Section 27600 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor June 17, 1970. Filed with Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27600 of the Vehicle Code is amended to read:

27600. No person shall operate any motor vehicle having three or more wheels, any trailer, or semitrailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle and all such equipment or such body or attachments thereto shall be at least as wide as the tire tread. This section does not apply to those vehicles exempt from registration, trailers and semitrailers having an unladen weight of under 1,500 pounds, or any vehicles manufactured and first registered prior to January 1, 1971, having an unladen weight of under 1,500 pounds.

CHAPTER 216

An act to amend Section 27500 of, and to add Sections 610, 27465, and 27501 to, the Vehicle Code, relating to tires.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 610 is added to the Vehicle Code, to read:

610. "Tire tread" is that portion of the tire, consisting of the ribs and grooves, which comes in contact with the roadway.

SEC. 2. Section 27465 is added to the Vehicle Code, to read:

27465. (a) No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a pneumatic tire when the tire is so worn that less than one thirty-second ($\frac{1}{32}$) of an inch tread remains in any two adjacent grooves at any location on the tire.

(b) No person shall use on a highway a pneumatic tire when the tire is so worn that less than one thirty-second ($\frac{1}{32}$) of an inch tread depth remains in any two adjacent grooves at any location on the tire.

(c) The measurement of tread depth shall not be made where tiebars, humps, or fillets are located.

(d) The requirements of this section shall not apply to those vehicles defined in Sections 322, 323, 545, and 36000, and those listed in Section 34500.

SEC. 3. Section 27500 of the Vehicle Code is amended to read:

27500. (a) The department may adopt regulations relating to standards for pneumatic tires of a vehicle type as it determines necessary to provide for public safety.

(b) In adopting these regulations, the department shall consider as evidence of generally accepted standards, the rules and regulations which have been adopted by the Federal Highway Administration and Rubber Manufacturers Association.

SEC. 4. Section 27501 is added to the Vehicle Code, to read:

27501. (a) No dealer or person holding a retail seller's permit shall sell, offer for sale, expose for sale, or install on a vehicle for use on a highway, a pneumatic tire which is not in compliance with regulations adopted pursuant to Section 27500.

(b) No person shall use on a highway a pneumatic tire which is not in conformance with such regulations.

(c) The requirements of this section shall not apply to those vehicles defined in Sections 322, 323, 545, and 36000, and those listed in Section 34500.

CHAPTER 217

An act to amend Section 24253 of the Vehicle Code, relating to motorcycles.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24253 of the Vehicle Code is amended to read:

24253. (a) All motor vehicles manufactured and first registered after January 1, 1970, shall be equipped so all taillamps are capable of remaining lighted for a period of at least one-quarter hour with the engine inoperative. This requirement shall be complied with by an energy storing system which is recharged by energy produced by the vehicle.

(b) All motorcycles manufactured and first registered after January 1, 1971, shall be equipped so all taillamps, when turned on, will remain lighted automatically for a period of at least one-quarter hour if the engine stops.

CHAPTER 218*An act to amend Section 670 of the Code of Civil Procedure, relating to judgment rolls.*

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 670 of the Code of Civil Procedure is amended to read:

670. In superior courts and municipal courts the following papers, without being attached together, shall constitute the judgment roll:

1. In case the complaint is not answered by any defendant, the summons, with the affidavit or proof of service; the complaint; the request for entry of default with a memorandum indorsed thereon that the default of the defendant in not answering was entered, and a copy of the judgment; if defendant has appeared by demurrer, and such demurrer has been overruled, then notice of the overruling thereof served on defendant's attorney, together with proof of such service; and in case the service so made is by publication, the affidavit for publication of summons, and the order directing the publication of summons;

2. In all other cases, the pleadings, all orders striking out any pleading in whole or in part, a copy of the verdict of the

jury, or finding of the court or referee, and a copy of any order made on demurrer, or relating to a change of parties, and a copy of the judgment; if there are two or more defendants in the action, and any one of them has allowed judgment to pass against him by default, the summons, with proof of its service, on such defendant, and if the service on such defaulting defendant be by publication, then the affidavit for publication, and the order directing the publication of the summons.

CHAPTER 219

An act to amend Section 21655 of the Vehicle Code, relating to vehicle lanes.

[Approved by Governor June 17, 1970. Filed with Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Section 22406 and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Section 22406 shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering into or exiting from a highway or to a driver who must necessarily drive in a lane other than the right-hand lane to continue on his intended route.

CHAPTER 220

An act to repeal Sections 1402 and 21755.1 of the Education Code, relating to absentee ballots.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1402 of the Education Code is repealed.

SEC. 2. Section 21755.1 of the Education Code is repealed.

CHAPTER 221

An act to amend Sections 43609, 45892, and 45911 of the Agricultural Code, and to repeal Sections 43609, 45892, and 45911 of the Agricultural Code as, enacted by this act, relating to carrot containers.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 43609 of the Agricultural Code is amended to read:

43609. Standard containers numbers 45N to 45X, inclusive, are as follows:

Number	Name	Dimensions in inches		
		Depth	Width	Length
45N	Carrot container	14 $\frac{1}{4}$	18 $\frac{1}{4}$	20 $\frac{1}{2}$ or 21 $\frac{3}{4}$
45O	Carrot container	9 $\frac{1}{4}$	18 $\frac{1}{4}$	20 $\frac{1}{2}$ or 21 $\frac{3}{4}$
45P	Carrot container	9	14 $\frac{1}{4}$	21 $\frac{1}{2}$ or 21 $\frac{3}{4}$
45Q	Carrot container	9 $\frac{3}{4}$	9	17 $\frac{1}{2}$
45R	Carrot container	13	13	25
45T	Carrot container	11 $\frac{1}{8}$	11 $\frac{1}{8}$	18 $\frac{3}{4}$
45W	Carrot container	10 $\frac{3}{4}$	15 $\frac{1}{2}$	18
45X	Carrot container	11 $\frac{3}{8}$	11 $\frac{3}{8}$	16 $\frac{3}{8}$

SEC. 1.5. Section 43609 of the Agricultural Code, as amended by Section 1 of this act, is repealed.

SEC. 2. Section 45892 of the Agricultural Code is amended to read:

45892. The standard containers for carrots are standard container numbers 45N, 45O, 45P, 45Q, 45R, 45T, 45W, and 45X.

SEC. 2.5. Section 45892 of the Agricultural Code, as amended by Section 2 of this act, is repealed.

SEC. 3. Section 45911 of the Agricultural Code is amended to read:

45911. Bunched carrots and carrots with tops removed, whether in consumer packages or not, which are in closed wooden, fiberboard, combination of wood and treated corrugated paper, or wirebound containers shall be in standard container number 45N, 45O, 45P, 45Q, 45R, 45T, 45W, or 45X. Standard container number 45X shall be considered standard only for carrots which are sold to the armed forces of the United States government.

SEC. 3.5. Section 45911 of the Agricultural Code, as amended by Section 3 of this act, is repealed.

SEC. 4. It is the intent of the Legislature, if Sections 43609, 45892, and 45911 of the Agricultural Code are affected by both this bill and Senate Bill No. 214, and both bills are enacted, that the provisions of Senate Bill No. 214 shall prevail. Therefore, in the event Senate Bill No. 214 is enacted and affects Sections 43609, 45892, and 45911, Sections 1.5, 2.5, and 3.5 of this act shall become operative at the same time that Sections 43609, 45892, and 45911 as affected by Senate Bill No. 214 become operative, and at that time, Sections 43609, 45892, and 45911 of the Agricultural Code as amended by Sections 1, 2, and 3 of this act are repealed.

SEC. 5. It is the intention of the Legislature that the Director of Agriculture shall consider the amendments that would have been made in Sections 43609, 45892, and 45911 of the Agricultural Code by Sections 1, 2, and 3 by this act, when promulgating regulations under Sections 83 and 85 of Senate Bill No. 214, if Senate Bill No. 214 is enacted and becomes operative.

CHAPTER 222

An act making an appropriation to the Emergency Fund in augmentation of Item 305, Budget Act of 1969.

[Approved by Governor June 17, 1970. Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four million dollars (\$4,000,000) is hereby appropriated for the Emergency Fund in augmentation of and upon the same terms and conditions as the appropriation made by Item 305, Budget Act of 1969.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 223

An act to amend Section 8836.4 of the Fish and Game Code, relating to trawlnets.

[Approved by Governor June 17, 1970 Filed with
Secretary of State June 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8836.4 of the Fish and Game Code is amended to read:

8836.4. Notwithstanding Section 8836, trawlnets with meshes which are not less than 5½ inches in length may be used in those portions of Districts 18 and 118.5 between a line running due west from Point Arguello and a line running due south from El Capitan Point in waters of not less than 25 fathoms but in no case in water less than one nautical mile from the nearest point of land on the mainland shore.

This section shall continue in effect until the 61st day following final adjournment of the 1972 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 224

An act to amend Section 20008 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 22, 1970 Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20008 of the Vehicle Code is amended to read:

20008. (a) The driver of a vehicle, other than a common carrier vehicle, involved in any accident resulting in injuries to or death of any person shall within 24 hours after the accident make or cause to be made a written report of the accident to the Department of the California Highway Patrol or, if the accident occurred within a city, to either the Department of the California Highway Patrol or the police department of the city in which the accident occurred. If the agency which receives the report is not responsible for investigating the accident, it shall immediately forward the report to the law enforcement agency which is responsible for investigating the accident.

On or before the fifth day of each month, every police department which received a report during the previous calendar month of an accident which it is responsible for investigating shall forward the report or a copy thereof to the main office of the Department of the California Highway Patrol at Sacramento.

(b) The owner or driver of a common carrier vehicle involved in any such accident shall make a like report to the Department of California Highway Patrol on or before the 10th day of the month following the accident.

CHAPTER 225

An act to amend Section 7376 of the Business and Professions Code, relating to cosmetology.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7376 of the Business and Professions Code is amended to read:

7376. If an applicant for a certificate of registration and license as a cosmetologist or for a certificate of registration and license as a manicurist or for a certificate of registration and license as an electrologist fails to pass two examinations, he shall complete a further course of study in a school of cosmetology approved by the board before he is eligible to file another application for an examination to determine his fitness to receive a certificate.

The further course for cosmetologist applicants shall be 50 hours for each subject in which a passing grade was not received on the second examination. The further course for manicurist applicants shall be 50 hours. The further course for electrologist applicants shall be 75 hours.

CHAPTER 226

An act to amend Section 860 of the Financial Code and to amend Section 1091 of the Government Code, relating to conflicts of interest, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 860 of the Financial Code is amended to read:

860. A bank may act as a depository, paying agent, trustee, or fiscal agent for the holding or handling of public funds or securities notwithstanding the fact that a member of the legislative body or an officer or employee of the depositor is an officer, employee, or stockholder of such bank, or of a holding company that owns any of the stock of such bank. Such mem-

ber of a legislative body, or such officer or employee thereof, shall not be deemed "interested in any contract" as that phrase is used in Section 1090 of the Government Code, if his sole interest is the fact that he is an officer, employee, or stockholder of the bank selected to act as such depository, paying agent or fiscal agent.

An officer or employee of a local public agency shall be deemed to have only a "remote interest" in a contract, as that phrase is used in Section 1091 of the Government Code, where such contract is entered into without competitive bidding under a procedure established by law, if his sole interest is that of an officer, director, or employee, of a bank, bank holding company, or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor, and if the conditions of subdivision (a) of Section 1091 of the Government Code are met.

SEC. 2. Section 1091 of the Government Code is amended to read:

1091. (a) An officer shall not be deemed to be interested in a contract entered into by a body or board of which he is a member within the meaning of this article if he has only a remote interest in the contract and if the fact of such interest is disclosed to the body or board of which he is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

(b) As used in this article "remote interest" means:

(1) That of a nonsalaried officer of a nonprofit corporation;

(2) That of an employee or agent of the contracting party, if such contracting party has 10 or more other employees and if the officer was an employee or agent of said contracting party for at least three years prior to his initially accepting his office.

For the purposes of this subsection, time of employment with the contracting party by the officer shall be counted in computing the three-year period specified in this subsection even though such contracting party has been converted from one form of business organization to a different form of business organization within three years of the initial taking of office by such officer. Time of employment in such case shall be counted only if, after the transfer or change in organization, the real or ultimate ownership of the contracting party is the same or substantially similar to that which existed before such transfer or change in organization. For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in the contracting party are regarded as having the "real or ultimate ownership" of such contracting party.

(3) That of a parent in the earnings of his minor child for personal services;

(4) That of a landlord or tenant of the contracting party;

(5) That of an attorney of the contracting party; or

(6) That of a member of a nonprofit corporation formed under the Agricultural Code or a nonprofit corporation formed under the Corporations Code for the sole purpose of engaging in the merchandising of agricultural products or the supplying of water.

(7) That of a supplier of goods or services when such goods or services had been supplied to the contracting party by the officer for at least five years prior to his election or appointment to office.

(8) That of a person subject to the provisions of Section 1090 in any contract or agreement entered into pursuant to the provisions of the California Land Conservation Act of 1965.

(9) That of an officer, director, or employee of a bank, bank holding company, or savings and loan association with which a party to the contract has the relationship of borrower or depositor, debtor or creditor.

(c) The provisions of this section shall not be applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he is a member to enter into the contract.

(d) The willful failure of an officer to disclose the fact of his interest in a contract pursuant to this section shall be punishable as provided in Section 1097. Such violation shall not void the contract however, unless the contracting party had knowledge of the fact of the remote interest of the officer at the time the contract was executed.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary to make an exception to the complete prohibition against contracting now contained in Section 1090 of the Government Code due to the fact that many cities have entered into or desire to enter into contractual arrangements which may present a conflict of interest due to the fact that the other party to such arrangements have financial dealings with banks or savings and loan associations with which city officials are connected as officers, directors or employees. These contracts are of great significance to the cities and due to the uncertain status of such city officials with regard to possible conflict of interest, and the serious penal sanctions which could be imposed in the event of an incorrect interpretation, this legislation must be given immediate effect.

CHAPTER 227

An act to amend Section 7053 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7053 of the Business and Professions Code is amended to read:

7053. Except as provided in Section 7153, this chapter does not apply to any person who engages in the activities herein regulated, as an employee with wages as his sole compensation.

CHAPTER 228

An act to amend Sections 3, 11, 11.1, and 22 of, and to add Section 37 to, the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), relating to the Marin County Flood Control and Water Conservation District.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 3. The board of supervisors of the district created by this act, by resolution thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for specific benefit of such zones. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitling each of such zones by a zone number. The boundaries of such zones may overlap or one zone may be entirely included within the boundaries of another zone.

Proceedings, including a hearing and determination of protests, for the establishment, amendment, division or superimposition of any zone or the establishment of any project, the estimated cost of which exceeds ten thousand dollars (\$10,000), shall be conducted in the manner prescribed in Section 11 of

this act. As an alternative to, and in addition to, the proceedings prescribed in Section 11 of this act for the establishment, annexation, division or superimposition of any zone or any project, the estimated cost of which exceeds ten thousand dollars (\$10,000), the board of supervisors of the district may submit proposals for the establishment, annexation, division or superimposition of any zone or any project, the estimated cost of which exceeds ten thousand dollars (\$10,000), to the registered voters residing within the zone, the territory of a proposed zone or the territory to be annexed, as the case may be, which election shall be called and held as nearly as practicable in the manner provided in Section 13.

Proceedings for the establishment, amendment, division, or superimposition of zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones.

SEC. 2. Section 11 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 11. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zones or participating zones and may establish, amend, divide or superimpose zones. For the purpose of acquiring authority to proceed with any such project, the estimated cost of which exceeds ten thousand dollars (\$10,000), or establishment, amendment, division, or superimposition of a zone, the board shall adopt a resolution specifying its intention to undertake such project or zone establishment, amendment, division or superimposition, together with the engineering estimates of the cost of any project to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project or proposed zone. Notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there be no such newspaper then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone or territory of a proposed zone or in each of said participating zones. Said notice must designate a public place in such zone or territory of a proposed zone or in each of said participating zones where a copy or copies of the map or maps of said joint project may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project, or establishment, amendment, division or superimposition of a zone. Upon the hearing, the board may modify the proportionate cost of any project to be borne by each of the participating zones according to the benefits to be derived from the project by the participating zones. Upon the hearing, the board may modify the boundaries of the proposed zone, as set forth in the resolution of intention to establish, annex to, divide, or superimpose the zone, by excluding therefrom any land which would not be benefited by inclusion in the zone; the boundaries shall not be modified to include any land which is neither described in the resolution of intention nor formerly within the boundaries of a zone. At the conclusion of the hearing the board may abandon the proposed project or plan or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project or plan signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone or within any of the participating zones for which said project was initiated or within the territory to be included in the proposed zone or within the territory to be added to or subtracted from a zone, be filed with the board, in which event further proceedings relating to such project or plan must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

In all matters in this section referred to, the last equalized assessment roll of the County of Marin next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone, or proposed zone, or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protect for all produces the writ-

ten consent of his coowners or representatives or partners so to do, duly acknowledged by the consenting coowners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county except that if the property jointly held is held by husband and wife and occupied by them as a dwelling, if the other spouse consents, the protest may be signed by either spouse without producing written evidence of the other's consent.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 3. Section 11.1 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 11.1. The provisions of Section 11 of this act shall be exclusive in determining the proper procedure for the institution of projects, the estimated cost of which exceeds ten thousand dollars (\$10,000), under this act, any other provision of law notwithstanding.

SEC. 4. Section 22 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 22. Any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed three thousand five hundred dollars (\$3,500), shall be done by contract let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call pursuant to Section 6066 of the Government Code in said district inviting sealed proposals for the construction of performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into separate convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Chapter 3 of Division 5 of Title 1 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of three thousand five hundred dollars (\$3,500), or the work consists of channel protection, or maintenance, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds three thousand five hundred dollars (\$3,500),

without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

SEC. 5. Section 37 is added to the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953), to read:

Sec. 37. No proceeding under this act shall be invalidated or affected by any inadvertent error, mistake, or departure from the provisions of this act regarding posting, publishing, or procuring the publication or posting of any notice, resolution, order or other matter, or the content of such notice, resolution, or order, without a showing of substantial harm to the person or persons affected by the deviation in the requirements and evidence that a different result would have ensued were it not for the inadvertence.

CHAPTER 229

An act to amend Section 21650.1 of the Public Utilities Code, relating to airport marking.

[Approved by Governor June 22, 1970 Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21650.1 of the Public Utilities Code is amended to read:

21650.1. An airport shall be marked as required by rule of the department with letters or symbol selected by the department to designate that such airport is privately owned and not open to the general public. In selecting such letters or symbol, the department shall be guided by letters or symbols currently in use by the Federal Aviation Administration for similar or comparable purposes.

CHAPTER 230

An act to amend Sections 13 and 14 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to the Alameda County Flood Control and Water Conservation District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1970 Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the recorder of Alameda County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 2. Section 14 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949) is amended to read:

Sec. 14. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zone affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than two years from the date of issuance, for the earliest maturity of each issue or series of bonds. Beginning

with the date of the earliest maturity of each issue or series, not less than one-fortieth of the indebtedness of such issue or series shall be paid every year. The final maturity date shall not exceed 40 years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denomination as the board may determine, except that no bonds shall be of a less denomination than one hundred dollars (\$100), nor of a greater denomination than one thousand dollars (\$1,000), and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of seven per centum (7%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his printed, engraved or lithographed signature. In case any such officers whose signatures or countersignatures appear on the bonds or coupons shall cease to be such officers before the delivery of such bonds to the purchaser, such bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officers had remained in office until the delivery of the bonds.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Serious and urgent problems of flood control, storm drainage, water conservation and water supply presently exist in Alameda County. The solution of these problems requires the sale of bonds for adequate financing of the projects of the Alameda County Flood Control and Water Conservation District. Because of the prevailing conditions in the bond market, bonds cannot be sold unless the maximum rate of interest is raised. In order to provide the necessary financing at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 231

An act to amend Section 8610 of the Agricultural Code, relating to citrus pest districts.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8610 of the Agricultural Code is amended to read:

8610. The county treasurer shall pay out money of the district only upon warrants of the county auditor drawn upon the order of the board of directors of the district signed by the chairman or vice chairman and attested by the secretary or assistant secretary. The county treasurer, with the approval of the board of supervisors, shall pay out the money of the district upon one master warrant of the county auditor drawn upon the order of the board of directors of the district and signed by the chairman or vice chairman and attested to by the secretary or assistant secretary, to meet the district's expenses, including salaries, at such intervals as is approved by the board of supervisors. The county treasurer shall report in writing on the first day of July, October, January, and March of each year, to the board the amount of money he then holds for the districts, the amount of receipts since his last report, and the amounts paid out. Each such report shall be verified and filed with the secretary of the district to whom it is addressed.

CHAPTER 232

An act to amend Sections 53854, 53856, and 53858 of the Government Code, relating to borrowing and indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 53854 of the Government Code is amended to read:

53854. Any note issued under this article may be negotiable, may be payable to order or to bearer and may be in any denomination. Such note shall be payable not later than the last day of the fiscal year in which it is issued; provided that such note may be made payable during the fiscal year succeeding the fiscal year in which issued, but in no event later than 15 months after the date of issue, when such note is payable only from revenue received or accrued during the fiscal year in which issued. Such note may bear interest not to exceed 7 percent per annum, payable as provided therein. Such interest may be represented by coupons attached to said note.

SEC. 2. Section 53856 of the Government Code is amended to read:

53856. Any taxes, income, revenue, cash receipts, accrued accounts receivable from state or federal governments for which funds have been committed and appropriated or other

moneys of the local agency, including moneys deposited in inactive or term deposits, may be pledged to the payment of the note or notes and the interest thereon, except, however, that no moneys which, when received by the local agency, will be encumbered for a special purpose may be pledged for the payment of the note or notes or the interest thereon unless an equivalent amount of the proceeds from said note or notes is set aside for and used for said special purpose. The note or notes and the interest thereon are a first lien upon and charge against the taxes, income, revenue, cash receipts, accrued accounts receivable from state or federal governments for which funds have been committed and appropriated or other moneys pledged for the payment thereof.

SEC. 3. Section 53858 of the Government Code is amended to read:

53858. Notes shall not be issued pursuant to this article in any fiscal year in an amount which, when added to the interest payable thereon, shall exceed 85 percent of the estimated amount of the then uncollected taxes, income, revenue, cash receipts, accrued accounts receivable from state or federal governments for which funds have been committed and appropriated and other moneys of the local agency which will be available for the payment of said notes and the interest thereon; provided, however, that to the extent that any principal of or interest on such notes is secured by a pledge of the amount in any inactive or term deposit of the local agency, the term of which will terminate during said fiscal year, such principal and interest may be disregarded in computing said limit.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain local governments have experienced large and unexpected growth in programs operated at the direction of the state. Such program growth has caused these local agencies to expend all available surplus funds. As a result of this expenditure of local funds, these agencies are experiencing significant cash flow problems in attempting to operate local programs. Without the provision of additional funds at an early date it will be impossible for programs to be effectively operated during the balance of the 1969-70 fiscal year and the early portion of the 1970-71 fiscal year. State and federal agencies presently owe substantial unpaid moneys to local government which will not be received in time to offset such cash flow shortages. The use of temporary borrowing with such state and federal securities as collateral security would provide local governmental agencies with the necessary funds to operate these programs required for the public peace, health and safety of the citizens of the State of California. It is, therefore, necessary that this act go into immediate effect.

CHAPTER 233

An act relating to compensation of county officers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. All laws or parts of laws in force on June 1, 1970, establishing, regulating, or otherwise affecting the salaries or compensation of county district attorneys or auditors are continued in force and effect solely as ordinances of the respective counties to which they relate, and may be superseded, modified, or otherwise affected by ordinances adopted in the respective counties and subject to the rights of initiative and referendum as reserved to the electors of the counties.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the salaries of the district attorneys and auditors of the several counties, whose salaries were regulated by the Legislature under Article XI of the California Constitution until its amendment on June 2, 1970, by the passage of Proposition 2, be continued to be paid in their present amounts, it is necessary that this measure go into immediate effect.

CHAPTER 234

An act to add Section 8606 to, and to repeal Section 8606 of, the Fish and Game Code, relating to commercial fishing gear.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8606 of the Fish and Game Code is repealed.

SEC. 2. Section 8606 is added to the Fish and Game Code, to read:

8606. The commission shall encourage the development of new types of commercial fishing gear and new methods of using existing commercial fishing gear by issuing permits for such development or use, subject to the following restrictions:

(a) A permit is subject to such conditions as the commission deems necessary to insure the proper utilization of the marine resources.

(b) A permit is valid for a period of not more than one year, but may be renewed until the Legislature approves or disapproves the permanent use or type of gear.

(c) A permit shall be revoked if the continued use would endanger any resource.

Such permit may authorize the use of new types of commercial fishing gear and new methods of using existing gear otherwise prohibited by this code and may authorize such use or the use of existing gear in areas otherwise closed to such use by this code.

CHAPTER 235

An act to amend Section 15101 of the Agricultural Code, relating to commercial feed.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15101 of the Agricultural Code is amended to read:

15101. (a) Any violation of any provision of this article is a misdemeanor which is punishable by a fine of not more than one hundred dollars (\$100) for the first violation and not less than one hundred dollars (\$100) for each subsequent violation.

(b) The director may, after hearing, refuse to issue or renew, or may suspend or revoke a license for any violation of this chapter or any regulation which is adopted pursuant thereto. Proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 236

An act to add Sections 3785.5, 14985, 14986, and 14987 to the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3785.5 is added to the Elections Code, to read:

3785.5. When the county clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, he shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argu-

ment in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments must be filed with the county clerk not more than 10 days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SEC. 2. Section 14985 is added to the Elections Code, to read:

14985. The commission may study, and adopt regulations governing, the use of voting machines and vote tabulating devices.

SEC. 3. Section 14986 is added to the Elections Code, to read:

14986. The commission may investigate any alleged violation of its regulations with power to subpoena all necessary persons and records.

SEC. 4. Section 14987 is added to the Elections Code, to read:

14987. A copy of each election computer program for an election in the state shall be filed with the Secretary of State at least one week before the election. Copies of any subsequent alterations in the program shall be filed in the same manner prior to the election.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

A number of important measures will be on the ballot in many counties at the November general election. In order for these provisions to be operative in time for that election, it is necessary that this statute take immediate effect.

CHAPTER 237

An act to amend Section 24756 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24756 of the Business and Professions Code is amended to read:

24756. Every distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall file and maintain with the department a price list showing the prices at which distilled spirits are sold to retailers by the licensee. Domestic brandy shall not be assorted with other distilled spirits for quantity discounts, except that imported brandy, upon which

duty is paid, may be assorted for quantity discounts only with imported distilled spirits upon which duty is paid. Sales of distilled spirits to retailers by each distilled spirits manufacturer, brandy manufacturer, rectifier, and wholesaler shall be made in compliance with the price list of the licensee on file with the department.

CHAPTER 238

An act to amend Section 1208 of the Penal Code, relating to the Work Furlough Law.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be

granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the jail unless the court directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from jail for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurance, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the

administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 1.5. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section, insofar as they relate to employment, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to employment, in that county is feasible. The provisions of this section, insofar as they relate to education, shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of education conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section, insofar as it relates to education, in that county is feasible. In any such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section, either with respect to employment or education in the county if it finds by ordinance that, because of changed circumstances, the operation of this section, either with respect to employment or education in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, or committed under the terms of Section 6404 or 6406 of the Welfare and Institutions Code as a habit-forming drug addict, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing or committing has ordered that such person not be granted work furloughs. The work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular educational program, if that is compatible with the requirements of subdivision (d), or may authorize the person to secure education for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment or educational program, the administrator shall arrange for a continuation of such employment or education, so far as possible without interruption. If the prisoner does not have regular employment or a regular educational program, and the administrator has authorized the prisoner to secure employment or education for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment or education so secured must be suitable for the prisoner. Such employment or educational program, if such educational program includes earnings by the prisoner, must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment or educational program involving earnings by the prisoner be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed or educated.

(d) Whenever the prisoner is not employed or being educated and between the hours or periods of employment or education, he shall be confined in the facility designated by the board of supervisors for work furlough confinement unless the work furlough administrator directs otherwise. If the prisoner is injured during a period of employment or education, the work furlough administrator shall have the authority to release him from the facility for continued medical treatment by private physicians or at medical facilities at the expense of the employer, workman's compensation insurer, or the prisoner. Such release shall not be construed as assumption of liability by the county or work furlough administrator for medical treatment obtained.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational training, and "educator" includes a person or institution providing vocational training.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

SEC. 2. It is the intent of the Legislature, if amendments to Section 1208 of the Penal Code proposed by both this bill and Senate Bill No. 317 are enacted, that both amendments be given effect and incorporated in Section 1208 in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 317 is enacted and amends Section 1208, Section 1.5 of this act shall become operative at the same time that Section 1208 as amended by S.B. 317 becomes operative, and, at that time, Section 1208 of the Penal Code as amended by Section 1 of this act is repealed.

CHAPTER 239

An act to add Section 69845.5 to the Government Code, relating to register of actions.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69845.5 is added to the Government Code, to read:

69845.5. In lieu of maintaining a register of actions as described in Section 69845, the clerk of the superior court may maintain a register of actions by means of photographing, microphotographing, or mechanically or electronically storing the whole content of all papers and records, or any portion thereof as will constitute a memorandum, necessary to the keeping of a register of actions so long as the completeness and chronological sequence of the register are not disturbed.

All such reproductions shall be placed in convenient, accessible files, and provision shall be made for preserving, examining and using them.

Any photograph, microphotograph or photocopy which is made pursuant to this section shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards.

CHAPTER 240

An act to maintain the Civil Code by amending Section 232, relating to parental custody and control.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for the period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of six months, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him.

If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel or, if there is no county counsel, the district attorney, shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(g) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 6750 of the Welfare and Institutions Code. The

parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

SEC. 2. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals the section amended by this act, shall prevail over this act.

CHAPTER 241

An act to maintain the Code of Civil Procedure by amending Sections 710 and 1822.51, relating to civil procedure.

[Approved by Governor June 22, 1970 Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 710 of the Code of Civil Procedure is amended to read:

710. (a) Whenever a judgment for the payment of money is rendered by any court of this state against a defendant to whom money is owing and unpaid by this state or by any county, city and county, city or municipality, quasi-municipality, district or public corporation, the judgment creditor may file a duly authenticated abstract or transcript of such judgment together with an affidavit stating the exact amount then due, owing and unpaid thereon and that he desires to avail himself of the provisions of this section in the manner as follows:

1. If such money, wages or salary is owing and unpaid by this state to such judgment debtor, said judgment creditor shall file said abstract or transcript and affidavit with the state department, board, office or commission owing such money, wages or salary to said judgment debtor prior to the time such state department, board, office or commission presents the claim of such judgment debtor therefor to the State Controller or to the State Personnel Board. Said state department, board, office or commission in presenting such claim of such judgment debtor to said State Controller shall note thereunder the fact that the filing of such abstract or transcript and affidavit and state the amount unpaid on said judgment as shown by said affidavit and shall also note any

amounts advanced to the judgment debtor by, or which the judgment debtor owes to, the State of California by reason of advances for expenses or for any other purpose. Thereupon the State Controller, to discharge such claim of such judgment debtor, shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due such judgment debtor on such claim, after deducting from such claim an amount sufficient to reimburse the state department, board, officer or commission for any amounts advanced to said judgment debtor or by him owed to the State of California, and after deducting therefrom an amount equal to one-half the salary or wages owing to the judgment debtor for his personal services to the state rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

2. If such money, wages or salary is owing and unpaid to such judgment debtor by any county, city and county, city or municipality, quasi-municipality, district or public corporation, said judgment creditor shall file said abstract or transcript and affidavit with the auditor of such county, city and county, city or municipality, quasi-municipality, district or public corporation (and in case there be no auditor then with the official whose duty corresponds to that of auditor). Thereupon said auditor (or other official) to discharge such claim of such judgment debtor shall pay into the court which issued such abstract or transcript by his warrant or check payable to said court the whole or such portion of the amount due on such claim of such judgment debtor, less an amount equal to one-half the salary or wages owing by the county, city and county, city, municipality, quasi-municipality, district or public corporation to the judgment debtor for his personal services to such public body rendered at any time within 30 days next preceding the filing of such abstract or transcript, as will satisfy in full or to the greatest extent the amount unpaid on said judgment and the balance thereof, if any, to the judgment debtor.

(b) The judgment creditor upon filing such abstract or transcript and affidavit shall pay a fee of two dollars and fifty cents (\$2.50) to the person or agency with whom the same is filed.

(c) Whenever a court receives any money hereunder, it shall pay as much thereof as is not exempt from execution under this code to the judgment creditor and the balance thereof, if any, to the judgment debtor. The procedure for determining the claim of exemption shall be governed by the procedure set forth in Section 690.26 of this code.

(d) In the event the moneys owing to a judgment debtor by any governmental agency mentioned in this section are owing by reason of an award made in a condemnation pro-

ceeding brought by the governmental agency, such governmental agency may pay the amount of the award to the clerk of the court in which such condemnation proceeding was tried, and shall file therewith the abstract or transcript of judgment and the affidavit filed with it by the judgment creditor. Such payment into court shall constitute payment of the condemnation award within the meaning of Section 1251 of this code. Upon such payment into court and the filing with the county clerk of such abstract or transcript of judgment and affidavit, the county clerk shall notify by mail, through their attorneys, if any, all parties interested in said award of the time and place at which the court which tried the condemnation proceeding will determine the conflicting claims to said award. At said time and place the court shall make such determination and order the distribution of the money held by the county clerk in accordance therewith.

(e) The judgment creditor may state in the affidavit any fact or facts tending to establish the identity of the judgment debtor. No public officer or employee shall be liable for failure to perform any duty imposed by this section unless sufficient information is furnished by the abstract or transcript together with the affidavit to enable him in the exercise of reasonable diligence to ascertain such identity therefrom and from the papers and records on file in the office in which he works. The word "office" as used herein does not include any branch or subordinate office located in a different city.

(f) Nothing in this section shall authorize the filing of any abstract or transcript and affidavit against any wages, or salary owing to the Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, and Attorney General.

(g) Any fees received by a state agency under this section shall be deposited to the credit of the fund from which payments were, or would be, made on account of a garnishment under this section. For the purpose of this paragraph, payments from the State Pay Roll Revolving Fund shall be deemed payments made from the fund out of which moneys to meet such payments were transferred to said revolving fund.

SEC. 2. Section 1822.51 of the Code of Civil Procedure is amended to read:

1822.51. An inspection warrant shall be issued only upon cause, support by affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be searched and the purpose for which the search is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

SEC. 3. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 242

An act to maintain the Labor Code by amending Sections 112, 3852, and 7624, relating to labor.

[Approved by Governor June 22, 1970 Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 112 of the Labor Code is amended to read:

112. The members of the appeals board shall be appointed by the Governor with the advice and consent of the Senate. The term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors.

Five of the members of the appeals board shall be experienced attorneys at law admitted to practice in the State of California. The other two members need not be such attorneys at law. All members shall be selected with due consideration of their judicial temperament and abilities. Each member shall receive an annual salary equal to the annual salary paid a judge of a superior court in this state.

SEC. 2. Section 3852 of the Labor Code is amended to read:

3852. The claim of an employee for compensation does not affect his claim or right of action for all damages proximately resulting from such injury or death against any person other than the employer. Any employer who pays, or becomes obligated to pay compensation, or who pays, or becomes obligated to pay salary in lieu of compensation, may likewise make a claim or bring an action against such third person. In the latter event the employer may recover in the same suit, in addition to the total amount of compensation, damages for which he was liable including all salary, wage, pension, or other emolument paid to the employee or to his dependents.

SEC. 3. Section 7624 of the Labor Code is amended to read:

7624. The following tanks are not subject to this part:

(a) Tanks under the jurisdiction or inspection of the United States government.

(b) Air pressure tanks used in household domestic services.

(c) Tanks of 1½ cubic feet or less which are not subject to a pressure of more than 150 pounds per square inch.

(d) Air pressure tanks installed on units of transportation, including trucks, buses and streetcars, which units of transportation are operated by any person, firm or corporation subject to the jurisdiction of the Interstate Commerce Commission or the Public Utilities Commission.

(e) Tanks not subject to an internal or external pressure of more than 15 pounds per square inch, irrespective of size.

SEC. 4. Any section of any act enacted by the Legislature

at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 243

An act to amend Sections 96 and 976 of the Labor Code, relating to employment agencies.

[Approved by Governor June 22, 1970. Filed with Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 96 of the Labor Code is amended to read:

96. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of:

(a) Wage claims and incidental expense accounts and advances.

(b) Mechanics' and other liens of employees.

(c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentations of conditions of employment.

(e) Claims for unreturned bond money of employees.

(f) Claims for penalties for nonpayment of wages.

(g) Claims for the return of workmen's tools in the illegal possession of another person.

(h) Claims for vacation pay, severance pay, or other compensation supplemental to a wage agreement.

(i) Awards for workmen's compensation benefits in which the Workmen's Compensation Appeals Board has found that the employer has failed to secure payment of compensation and where the award remains unpaid more than 10 days after having become final.

(j) Claims for loss of wages as the result of discharge from employment for one garnishment of wages prior to a final order or judgment of a court.

SEC. 2. Section 976 of the Labor Code is amended to read:

976. No person shall publish or cause to be published any advertisement, solicitation or communication in any newspaper, poster or letter, offering employment as a salesman, broker or agent, whether as an employee or independent contractor, which advertisement, solicitation or communication (a) is willfully designed to mislead any person as to compensation or commissions which may be earned; or (b) falsely represents the compensation or commissions which may be earned.

This section shall not be applicable to any publisher of a newspaper, magazine, or other publication, who publishes an advertisement, solicitation or communication in good faith, without knowledge of its false, deceptive or misleading character.

CHAPTER 244

An act to amend Section 11001 of the Government Code, relating to exhibits at fairs.

[Approved by Governor June 22, 1970. Filed with
Secretary of State June 22, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11001 of the Government Code is amended to read:

11001. Any state agency may make exhibits descriptive or illustrative of any activity or pursuit relating to its work or affairs at any international, state, district, county or municipal fair, exposition or exhibit, authorized or recognized by the laws of the state or acts of Congress and may pay all actual and necessary expenses incurred in making the exhibits from any appropriation available for the use, support or maintenance of the agency.

CHAPTER 245

An act to amend Sections 12852, 13151.10, and 13193 of, and to add Article 6b (commencing with Section 12860) to Chapter 6 of Division 6 of, the Public Utilities Code, relating to public securities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1970. Filed with
Secretary of State June 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12852 of the Public Utilities Code is amended to read:

12852. The provisions of Sections 54380 through 54387, inclusive, and the limitation on the rate of interest set forth in Section 54402(b) of the Government Code shall not apply to the issuance and sale of bonds pursuant to this article. Whenever a district proposes to exercise the power to issue bonds pursuant to this article, the board shall adopt a preliminary resolution declaring its intention to authorize the issuance of bonds, which resolution shall specify all of the following:

(a) The purpose for which the proposed bonds are to be issued.

(b) The maximum principal amount of the bonds then proposed to be issued.

(c) The maximum term for which any of such bonds are to run.

(d) The maximum rate of interest to be payable upon such bonds which rate shall be determined by the board; provided, that the bonds may be sold at a discount not to exceed 6 percent of par value.

SEC. 2. Article 6b (commencing with Section 12860) is added to Chapter 6 of Division 6 of the Public Utilities Code, to read:

Article 6b. Bonds

12860. Bonds issued pursuant to Article 8 (commencing with Section 53540), Chapter 3, Part 1, Division 2, Title 5, of the Government Code, may bear interest at such rate or rates as may be fixed by the board of directors without regard to the limitations set forth in Section 53541 of the Government Code; and may be sold at a discount not to exceed 6 percent of par value.

SEC. 3. Section 13151.10 of the Public Utilities Code is amended to read:

13151.10. The board may provide for the sale of any such bonds upon such terms and conditions as the board in its discretion may determine at public sale. Bonds may be sold by the board below the par or face value thereof, at a discount not to exceed 6 percent of par value; provided further, that in the case of refunding bonds the board may provide for the refunding being made, in whole or in part, by the exchange of such refunding bonds for the bonds to be refunded. Before selling the bonds, or any part thereof, the board shall give notice not less than 10 days prior to the date of sale by publication in a newspaper of general circulation circulating in the district inviting sealed bids in such manner as the board shall prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, the board may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

SEC. 4. Section 13193 of the Public Utilities Code is amended to read:

13193. Bonds issued under this chapter may be presented to the State Treasurer for certification under Division 10 of the Water Code in like manner and with the same legal effect as in the case of revenue bonds issued by irrigation districts; provided, that Section 20050 of the Water Code shall not be applicable to such bonds and, notwithstanding such certification, any district may issue subsequent series or issues of bonds without certification as the district may elect.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

Because of the unusually high interest rates which prevail in the municipal bond market, the issuers affected by this act may or will be unable to sell bonds under present statutory limitations on interest rates. Unless these limitations are changed immediately, it will be impossible to finance critically needed public improvements.

CHAPTER 246

An act to amend Sections 5201, 5203, 5209, 13656, and 13656.2 of, and to add Section 13656.3 to, the Education Code, relating to school holidays.

[Approved by Governor June 23, 1970. Filed with
Secretary of State June 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5201 of the Education Code is amended to read:

5201. Except as otherwise provided the public schools shall close on Saturdays and Sundays, and shall continue in session or close on specified holidays as follows:

(a) The public schools shall close on January 1st, February 12th known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4th, the first Monday in September known as "Labor Day," September 9th known as "Admission Day," the fourth Monday in October known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," and December 25th.

(b) The Governor in appointing any other day for a public fast, thanksgiving, or holiday may provide whether the public schools shall close on the day. If the Governor does not provide whether the public schools shall close, they shall continue in session on all special or limited holidays appointed by the Governor, but shall close on all other days appointed by the Governor for a public fast, thanksgiving, or holiday.

(c) The public schools shall close on every day appointed by the President as a public fast, thanksgiving, or holiday, unless it is a special or limited holiday.

(d) The public schools shall continue in session on all legal holidays other than those designated by or pursuant to this section and shall hold proper exercises commemorating the day.

(e) When any of the holidays on which the schools would be closed fall on Sunday, the public schools shall close on the Monday following.

(f) When any of the holidays on which the schools would be closed fall on Saturday, the public schools shall close on the preceding Friday.

(g) Nothing in this section is to be interpreted as authorizing a school district governing board to maintain schools in its district for a lesser number of days during the school year than the minimum established by law.

SEC. 2. Section 5203 of the Education Code is amended to read:

5203. All public schools and educational institutions throughout the state shall hold exercises in memory of Abraham Lincoln and George Washington on February 12th and February 22nd, respectively, or on the day in which school is in session next preceding, if the specified day is a holiday.

SEC. 3. Section 5209 of the Education Code is amended to read:

5209. During any national emergency declared by the President of the United States of America, or during any war in which the United States of America is engaged, upon a finding by the Department of Human Resources Development that spoilage of a perishable crop will result because of a critical shortage of farm labor the governing board of a school district in which such crop is located may maintain the schools of the district on Saturdays, the first day of January, the 12th day of February, the third Monday of February, the last Monday of May, and the fourth Monday in October, in order to make pupils of the district available for the harvesting of crops without undue reduction in the number of days the schools of the district are maintained.

Nothing in this section shall permit or allow any student under the age of fourteen (14) to harvest such crops nor shall any student be permitted or allowed to use or to be in a position to use any dangerous equipment.

SEC. 4. Section 13656 of the Education Code is amended to read:

13656. All employees a part of the classified service shall be entitled to the following paid holidays provided they are in a paid status during any portion of the working day immediately preceding or succeeding the holiday: January 1, February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," July 4, the first Monday in September known as "Labor Day," September 9 known as "Admission Day," the fourth Monday in October known as "Veterans Day," that Thursday in November proclaimed by the President as "Thanksgiving Day," December 25, every day appointed by the President, or the Governor of this state, as provided for in subdivisions (b) and (c) of Section 5201 for a public fast, thanksgiving or holiday, or any day declared a holiday under Section 5202 which the board specifies shall be a holiday for classified or certificated employees.

Regular employees of the district who are not normally assigned to duty during the school holidays of December 25 and January 1 shall be paid for those two holidays provided that they were in a paid status during any portion of the working day of their normal assignment immediately preceding or succeeding the holiday period.

When a holiday herein listed falls on a Sunday, the following Monday shall be deemed to be the holiday in lieu of the day observed. When a holiday herein listed falls on a Saturday, the preceding Friday shall be deemed to be the holiday in lieu of the day observed. When a classified employee is required to work on any of said holidays, he shall be paid compensation, or given compensating time off, for such work, in addition to the regular pay received for the holiday, at the rate specified in Section 13590.2.

The provisions of Article 3 (commencing with Section 5201) of Chapter 2 of Division 6 shall not be construed to in any way limit the provisions of this section, nor shall anything in this section be construed to prohibit the governing board from providing holiday pay for employees who have not been in paid status on the days specified herein.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 5. Section 13656.2 of the Education Code is amended to read:

13656.2. Prior to July 1 of any school year, the governing board of any school district may designate other days during such year as the holidays to which classified employees are entitled in lieu of the holidays on February 12 known as "Lincoln Day," the third Monday in February known as "Washington Day," the last Monday in May known as "Memorial Day," September 9 known as "Admission Day," or the fourth Monday in October known as "Veterans Day" as specified in Section 13656, provided that such designated days will provide for at least a three-day weekend. Classified employees shall be required to work on the regular holiday for which another day is designated pursuant to this section, and for work of eight hours or less, shall be paid compensation at their regular rate of pay.

If any classified employee would be entitled to the regular paid holiday but would not be in a paid status during any portion of the working day immediately preceding or succeeding the day so designated in lieu of such holiday and therefore would not be entitled to such day in lieu of the holiday, he shall be entitled to the regular holiday; however, if he is required to work on such holiday, he shall be paid compensation at the rate of time and one-half of his regular rate of pay in addition to the regular pay received for the holiday.

This section shall not be construed to authorize the maintenance of schools on holidays other than as provided in Arti-

cle 3 (commencing with Section 5201) of Chapter 2 of Division 6.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 6. Section 13656.3 is added to the Education Code, to read:

13656.3. Any school district which requires any classified employee to work a workweek other than Monday through Friday and as a result thereof the employee loses a holiday to which he would otherwise be entitled shall provide a substitute holiday for such employee, or provide compensation in the amount to which the employee would have been entitled had the holiday fallen within his normal work schedule.

SEC. 7. This act shall become operative January 1, 1971.

CHAPTER 247

An act to amend Section 900 of the Penal Code, relating to grand juries.

[Approved by Governor June 23, 1970. Filed with
Secretary of State June 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 900 of the Penal Code is amended to read:

900. On receiving the list of persons selected by the court, the county clerk shall file it in his office, and write down the names contained thereon on separate pieces of paper, of the same size and appearance, and fold each piece so as to conceal the name thereon. The clerk also shall, on receiving the list selected by the court, have such list, which shall include the name of the judge who selected each person on the list, published one time in a newspaper of general circulation, as defined in Section 6000 of the Government Code, in the county. He shall then deposit the pieces of paper having on them the names of the persons selected to serve as grand jurors in a box to be called the "grand jury box."

CHAPTER 248

An act making an appropriation to the Ravenswood School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 23, 1970. Filed with
Secretary of State June 23, 1970]

The people of the State of California do enact as follows:

SECTION 1. The Ravenswood School District is an impoverished school district in the state and has suffered significant decline in revenues which will cause great financial hardship and will render it impossible for the district to meet its fixed financial commitments for the year, including those made for the payment of teachers' salaries.

The Legislature finds that the unique circumstances in the Ravenswood School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The appropriation made by Section 2 of this act is made in view of the unique circumstances in the Ravenswood School District, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the appropriation made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of six hundred thousand dollars (\$600,000), or so much thereof as may be necessary, to the Ravenswood School District to enable the district to pay contracted indebtedness, due and owing, in the 1969-1970 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall, during the 1971-1972, 1972-1973, 1973-1974, and 1974-1975 fiscal years withhold from the apportionments to be made to the district from the State School Fund in each of those years an amount equal to one-fourth of the amount actually disbursed to the district from the appropriation made pursuant to Section 2 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 2 of this act. Such withholdings shall be directed to the end that the entire amount disbursed, plus the interest, shall have been recouped by the state at the end of the 1974-1975 fiscal year.

SEC. 4. The governing board of the Ravenswood School District shall, in cooperation with the county superintendent of schools and the Superintendent of Public Instruction, develop a plan to correct the financial problems of the district, including specific items to insure that the expenditures of the district will not exceed its revenues.

SEC. 5. Until June 30, 1975, the Ravenswood School District shall submit to the county superintendent of schools all financial and other reports requested by him.

SEC. 6. The maximum tax rate of the Ravenswood School District may be increased until June 30, 1975, by a majority vote of the qualified electors of the district, by an amount sufficient to raise the amount withheld from district

pursuant to Section 3. The election shall be called, held, and conducted by the county superintendent of schools, as nearly as is practicable in accordance with the provisions of Chapter 6 (commencing with Section 1301) of Division 4 of the Education Code.

SEC. 7. This act shall cease to be operative on June 30, 1975.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that money may be made available to the Ravenswood School District at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 249

An act relating to financial assistance to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1970 Filed with
Secretary of State June 24, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The uncertainty of the appropriation to the Department of Health, Education, and Welfare and attendant funding delays have resulted in a financial crisis for many school districts in the state which prepared their 1969-1970 fiscal year budgets in contemplation of the timely receipt of federal impact funds under Public Law 874 of the 81st Congress. The Legislature, by this act, intends to provide a procedure whereby these affected school districts can receive assistance in meeting their financial obligations for the remaining portion of the 1969-1970 fiscal year.

SEC. 2. During the 1969-1970 fiscal year only, the board of supervisors of each county or city and county may authorize the treasurer of the county or city and county to make a temporary transfer from the funds in his custody not immediately needed to pay claims against them to any school district in the county or city and county in which 5 percent or more of the revenues for its adopted total school budget for the 1969-1970 fiscal year were based on 1969-1970 budgeted entitlements under Public Law 874, the amount requested by the school district, subject to the provisions of Section 3 of this act. The county or city and county may establish a charge to pay all costs of any such transfer of funds. The costs may include, but are not limited to, all costs to the county or city and county of securing the funds to make such temporary transfers.

SEC. 3. The temporary transfer of funds made to eligible school districts, as described in Section 2 of this act, shall not exceed an amount equal to 50 percent of the school district's 1968-1969 fiscal year entitlement of Public Law 874 funds.

SEC. 4. School districts may repay such temporary transfer of funds without any interest to the county or city and county on or before May 1, 1971. Upon receipt of such 1969-1970 Public Law 874 funds, the school district shall immediately repay to the county or city and county the amount of the temporary transfer of funds made pursuant to Section 2 of this act.

If such temporary transfer of funds are not repaid by May 1, 1971, the county treasurer shall withhold from the May and June apportionments to such school districts an amount equal to the temporary transfer of funds and charges made to the school district under Section 2 of this act.

SEC. 5. The provisions of this act shall be effective until June 30, 1971, and shall have no force or effect thereafter.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

As a result of the recent presidential veto of the appropriation measure for the Department of Health, Education, and Welfare, many school districts in this state which had adopted school budgets for the 1969-1970 fiscal year based upon expected availability of Public Law 874 of the 81st Congress entitlements are now faced with a serious financial crisis. In order to place these school districts in a cash position to meet their financial obligations for the remainder of the 1969-1970 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 250

An act to add Section 6306 to the Public Resources Code, relating to state lands.

[Approved by Governor June 24, 1970. Filed with
Secretary of State June 24, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6306 is added to the Public Resources Code, to read:

6306. Notwithstanding any other provision of law, on and after the effective date of this section as enacted at the 1970 Regular Session of the Legislature, whenever a legislative enactment now in force or hereafter enacted grants or conveys state tide or submerged lands and requires the filing of any financial report with the Department of Finance, such financial report shall be filed, instead, with the State Lands Commission.

CHAPTER 251

An act to amend Sections 6060 and 6062 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6060 of the Business and Professions Code is amended to read:

6060. To be certified to the Supreme Court for admission and a license to practice law, a person who does not comply with Section 6062 shall:

- (a) Be a citizen of the United States.
- (b) Be of the age of at least 21 years.
- (c) Be of good moral character.
- (d) Before beginning the study of law, have either:

(1) Completed at least two years of college work, which college work shall be not less than one-half of the collegiate work acceptable for a bachelor's degree granted upon the basis of a four-year period of study by a college or university approved by the examining committee; or

(2) Reached the age of 23 years and have attained in apparent intellectual ability the equivalent of at least two years of the college work hereinabove defined. Such equivalent with respect to a person applying for admission to a law school accredited by the examining committee shall be determined by the dean or faculty thereof and with respect to all other persons shall be determined by the examining committee. The determination by the examining committee may be made after a personal interview with the person or the examining committee may require him to pass a written examination. Such examination may be given by the examining committee, or, if the examining committee so elects, the examination may be given under its supervision by such members of the faculty of a college as the examining committee may select or by the Department of Education of this state; provided, however, that any person who receives an adverse determination by the committee without an examination or fails an examination given directly by the committee shall, upon demand made within 30 days after receiving notice thereof, have the right to be reexamined either by such faculty members or department as the committee may decide. In the event that the examination is given by the Department of Education, a fee for such examination shall be charged by the department, which fee shall not exceed fifteen dollars (\$15).

The requirements of paragraph (2) of this subdivision shall not apply to a person who had reached the age of 25 years prior to commencing the study of law and who commenced such study and registered with the examining committee as

provided in subdivision (e) of this section prior to January 1, 1955.

(e) Have registered with the examining committee as a law student within three months after beginning the study of law. The examining committee, upon good cause being shown, may permit a later registration.

(f) Have either:

(1) Graduated from a law school accredited by the examining committee requiring substantially the full time of its students for three years.

(2) Graduated from a law school accredited by the examining committee requiring a part only of its students' time for four years.

(3) Studied law diligently and in good faith for at least four years, which study shall be:

(i) In a law school that is authorized to confer professional degrees and requires classroom attendance of its students for a minimum of 270 hours a year; or

(ii) In a law office in this state and under the personal supervision of a member of the State Bar of California who is, and for at least five years last past continuously has been, engaged in the active practice of law; or

(iii) In the chambers and under the personal supervision of a judge of a court of record of this state; or

(iv) By instruction in law from a correspondence law school requiring 864 hours of preparation and study per year for four years.

(v) By any combination of the methods referred to in paragraph (3) of this subdivision.

It shall be the duty of the attorney or judge referred to under (ii) and (iii) of paragraph (3) of this subdivision to render such periodic reports to the examining committee as the committee may require.

(4) Commenced the study of law and registered as a law student as provided in subdivision (e) of this section prior to January 1, 1954, and completed four years of law study, diligently and in good faith.

(g) Have passed a final bar examination given by the examining committee.

(h) After completion of his first year of law study, have passed a first-year law student's examination given by the examining committee. This requirement shall not apply to a student who satisfactorily completes the first-year course of instruction in a law school accredited by the examining committee and who either (1) commenced the study of law and registered with the examining committee as provided in subdivision (e) of this section prior to January 1, 1954, or (2) had completed at least two years of college work as defined in this section prior to matriculating in such accredited law school, nor shall this requirement apply to an applicant who

has passed the bar examination of a sister state or of a country wherein the common law of England constitutes the basis of jurisprudence. An applicant who is required to take such first-year examination shall not receive credit for his first year of law study until he has passed such examination; nor shall he receive credit for any law study subsequent to the first year, and before he shall have passed such examination, unless for good cause in a particular case the committee decides that credit should be given for such subsequent study or for some part thereof.

SEC. 2. Section 6062 of the Business and Professions Code is amended to read:

6062. To be certified to the Supreme Court for admission, and a license to practice law, a person, who has been admitted to practice law outside of this state, shall:

(a) Be a citizen of the United States.

(b) Be of the age of at least 21 years.

(c) Be of good moral character.

(d) Have been admitted to practice before the highest court of a sister state or of any jurisdiction where the common law of England constitutes the basis of jurisprudence and (1) have been actively and substantially engaged in the practice of law in any such jurisdiction or jurisdictions for at least four years out of the six years immediately preceding the filing of his application for admission to practice in this state or (2) demonstrated to the satisfaction of the examining committee that his experience and qualifications qualify him to take an examination. Teaching in a law school accredited by the committee and services as a judge of a court of law shall be considered practice within the meaning of this section. In determining what constitutes practice for at least four years out of the next six years immediately preceding the filing of the application, time spent, subsequent to September 16, 1940, and prior to two years after termination of hostilities between the United States and the nations with which the United States is now at war as determined by act of Congress or proclamation of the President, in active duty as a member of the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or any of their respective components, or on active sea duty as an officer or member of the crew on or in connection with vessels documented under the laws of the United States, or vessels owned by, chartered to, or operated by or for the account or use of, the War Shipping Administrator, when the applicant is not engaged in the practice of law within the meaning of this requirement shall be excluded.

(e) Have passed such examination as in the discretion of the examining committee may be required.

CHAPTER 252

*An act to amend Section 3181 of the Civil Code,
relating to works of improvement.*

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3181 of the Civil Code is amended to read:

3181. Except for an original contractor, any person mentioned in Section 3110 or 3112 or furnishing provisions, provider, or other supplies, may serve a stop notice upon the public entity responsible for such public work in accordance with the provisions of this chapter.

SEC. 2. The amendment of Section 3181 of the Civil Code made by this act does not constitute a change in, but is declaratory of, the preexisting law.

SEC. 3. This act shall become operative on January 1, 1971.

CHAPTER 253*An act to maintain the statutes other than codes by amending Section 100 of Chapter 916 of the Statutes of 1969, relating to the Madera County Flood Control and Water Conservation Agency.*

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 100 of Chapter 916 of the Statutes of 1969 is amended to read:

Sec. 100. This act shall be known and may be cited as the Madera County Flood Control and Water Conservation Agency Act.

SEC. 2. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals the section amended by this act, shall prevail over this act.

CHAPTER 254*An act to maintain the Water Code by amending Sections 345, 13604, 13608, 30700.6, and 31303 of, and repealing Section 22305.1 of, the Water Code, relating to water resources.*

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 345 of the Water Code is amended to read:

345. The Department of Water Resources shall (a) plan recreation development associated with state-constructed water projects in consultation with local public agencies and affected state and federal agencies, (b) thereafter acquire land necessary to implement and execute plans for such development pursuant to specific legislative authorization. Such authorization shall specify to what extent, if any, the power of eminent domain may be used.

It is hereby declared to be the intention of the Legislature, in enacting this section, that no water resources development funds will be appropriated for the purpose of acquiring land for recreation development associated with state-constructed water projects, exclusive of land required for storage and conservation of water for such projects.

In carrying out its duties under this section, the Department of Water Resources may enter into contracts, leases, and agreements with other state agencies, the federal government, local public agencies, and persons; and the Department of Fish and Game, the Department of Parks and Recreation and all other affected state and local agencies shall cooperate with the Department of Water Resources to that end.

SEC. 2. Section 13604 of the Water Code is amended to read:

13604. The state board shall review and approve each waste collection, treatment, and disposal project for which an application for a grant under the Federal Water Pollution Control Act has been made. The state board shall, in reviewing each project, determine whether such project is in conformity with state policy for water quality control and in conformity with water quality control plans adopted by regional boards, and shall certify that such project is entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs.

SEC. 3. Section 13608 of the Water Code is amended to read:

13608. After January 1, 1971, no application for a grant under the Federal Water Pollution Control Act, or amendment thereof, or pursuant to Chapter 6 (commencing with Section 13400) of this division, shall be accepted by the state board unless such application contains assurances that at least one person responsible for plant operations meets or will meet operator training qualifications, adopted pursuant to Chapter 9 (commencing with Section 13625) of this division, for the proposed plant, as well as the plant in current operation.

SEC. 4. Section 22305.1 of the Water Code is repealed.

SEC. 5. Section 30700.6 of the Water Code is amended to read:

30700.6. Notwithstanding Section 30021 or any other provision of the law, in the Sierra Lakes County Water District every owner of real property within the district, but no others, may vote at elections for directors or otherwise. Such owners need not be residents of the district in order to qualify as voters. The last equalized county assessment roll is conclusive evidence of ownership of the real property so owned. Where land is owned in joint tenancy, tenancy in common, or any other multiple ownership, the owners of such land shall designate in writing which one of the owners shall be deemed the owner of such land for purposes of qualifying as a voter.

The legal representative of a corporation or estate owning real property may vote on behalf of such corporation or estate. As used in this section, legal representative means an official of a corporation owning real property or a guardian, executor, or administrator of the estate of the holder of title to real property who:

- (a) Is appointed under the laws of this state.
- (b) Is entitled to the possession of the estate's real property.
- (c) Is authorized by the appointing court to exercise the particular right, privilege, or immunity which he seeks to exercise.

Before a legal representative votes at a district election he shall present to the precinct board a certified copy of his authority which shall be kept and filed with the returns of the election.

Every voter, or his legal representative, may vote at any district election either in person or by a person duly appointed as his proxy, but shall be entitled to cast only one vote. The appointment of a proxy shall be as provided in Section 35005. Elections shall be conducted pursuant to Article 1 (commencing with Section 35106) of Chapter 2, Part 4, Division 13.

This section shall not affect incumbent directors of the district, but in the event of a vacancy or upon the expiration of each present term, each such director, upon taking office or commencing a new term, shall be a voter as defined in this section.

SEC. 6. Section 31303 of the Water Code is amended to read:

31303. Any money belonging to a district may be deposited or invested and drawn out as provided in Article 2 (commencing with Section 53630) of Chapter 4, Part 1, Division 2, Title 5 of the Government Code, as now or hereafter amended. References in said chapter to "treasurer" shall mean for the purposes of a district the auditor thereof and to "auditor" shall mean for the purposes of a district the secretary hereof. This section provides for a deposit and investment procedure separate from that provided in Article 3 of this chapter.

SEC. 7. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 255

An act to amend Sections 69895 and 69900 of the Government Code, relating to court attachés.

[Approved by Governor June 29, 1970. Filed with Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, the superior court shall appoint an executive officer who shall act as secretary to the judges of the superior court and perform the duties of jury commissioner pursuant to Section 69893, the salary of the executive officer shall be a minimum salary of two thousand ninety dollars (\$2,090) monthly during first year of service, two thousand one hundred ninety-one dollars (\$2,191) monthly during second year of service, two thousand four hundred ten dollars (\$2,410) monthly during third year of service, and two thousand five hundred thirty dollars (\$2,530) monthly during fourth year of service and thereafter.

In such a county or city and county, on the authorization of the judges, the executive officer shall have three administrative assistants who shall each receive a salary of one thousand three hundred twenty-five dollars (\$1,325) during first year of service, one thousand three hundred eighty dollars (\$1,380) monthly during second year of service, and one thousand four hundred fifty dollars (\$1,450) monthly during third year of service and one thousand five hundred twenty-two dollars (\$1,522) monthly during fourth year of service and thereafter, and two assistant secretaries who shall be paid a minimum salary of one thousand dollars (\$1,000) monthly during the first year of service, a salary of one thousand fifty dollars (\$1,050) monthly during second year of service, salary of one thousand one hundred dollars (\$1,100) monthly during the third year of service and a maximum salary of one thousand one hundred fifty dollars (\$1,150) monthly thereafter.

The increment shall be paid commencing on the first day of the month following the first, second, and third anniversary of the incumbent's appointment. All service included prior to the effective date of the amendment to this section enacted at the 1969 Regular Session of the Legislature shall constitute service for purpose of determining entitlement to increments.

The administrative assistants shall assist also in the performance of the duties of jury commissioner. The salaries of the executive officer and administrative assistants and such assistants shall be paid by the county or city and county in which they serve.

The court may delegate to the executive officer any administrative powers and duties as are now or hereafter by law may be vested in or required to be exercised by such court.

SEC. 2. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, as determined by the 1960 federal census, a majority of the judges of the superior court may appoint the following employees, whose monthly salaries shall be as set forth hereafter:

	Step 1	Step 2	Step 3	Step 4
Eight judicial secretaries -----	\$753	\$772	\$807	\$847
One senior clerk -----	740	761	782	821
Two information clerks -----	635	651	688	722
One calendar clerk -----	800	825	865	908
One chief calendar clerk -----	1,215	1,265	1,325	1,391
One domestic relations commissioner -----	1,380	1,415	1,485	1,559
Four deputy domestic relations commissioners -----	1,050	1,075	1,128	1,184
One counselor of conciliation ----	1,200	1,230	1,260	1,320
One counselor in mental health---	1,286	1,350	1,417	1,488
Three court commissioners -----	1,819	1,863	1,956	2,054
Four assistant court commissioners	1,229	1,290	1,357	1,424
Four juvenile referees -----	1,819	1,863	1,956	2,054
One administrative assistant (juvenile court) -----	1,135	1,175	1,235	1,297

All figures in the above columns represent the salaries to be paid monthly to each of the employees so appointed. All original appointments shall be at step 1, provided that on the first of the month following the first anniversary of the employee's appointment he shall advance to the second step, and thereafter on the first of the month following the second anniversary of the employee's appointment he shall advance to step 3, and thereafter on the first of the month following the third anniversary of the employee's appointment he shall advance to step 4, and thereafter shall be paid at the rate established by step 4. Service in any position enumerated herein prior to the effective date of the amendments to this section enacted at the 1969 Regular Session of the Legislature shall constitute service for the purpose of determining the step at which the attaché is to be paid. Service in any position wherein substantially the same duties have been performed shall also be deemed service for the purpose of determining at which step the attaché is to be paid.

With the approval of the board of supervisors the court may establish such additional titles and pay rates as are required and with the approval of the board of supervisors may appoint and employ such additional commissioners, officers and assistants and other employees as it deems necessary for the performance of the duties and exercise of the powers conferred by law upon it and its members. Rates of compensation of all officers and assistants and other employees, except those of the executive officer and court commissioners, may be adjusted by joint action and approval of the board of supervisors and a majority of the judges of the court. Such appointments or changes in compensation made pursuant to this paragraph shall be on an interim basis and shall expire 60 days after the final adjournment of the next regular session of the Legislature unless ratified at such session.

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 256

An act to amend Sections 6524, 7100, and 23516 of the Elections Code, relating to elections.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6524 of the Elections Code is amended to read:

6524. The officer with whom declarations of candidacy are filed shall keep a record in which he shall enter the name of the candidate, the title of the office, the party, if any, and the time of filing.

SEC. 2. Section 7100 of the Elections Code is amended to read:

7100. All nomination papers filed in accordance with this code shall be held by the officer with whom they are filed during the term of office for which they are filed and for four years after the expiration of the term. They may thereafter destroy the papers unless they have been introduced in evidence in some action or proceeding then pending.

SEC. 3. Section 23516 of the Elections Code is amended to read:

23516. The county clerk shall preserve all nominating petitions and affidavits filed pursuant to this part during the term of office for which they were filed and for four years after the expiration of the term.

CHAPTER 257

An act to amend Sections 313.1 and 313.2 of the Penal Code, relating to harmful matter.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 313.1 of the Penal Code is amended to read:

313.1. (a) Every person who, with knowledge that a person is a minor, or who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes, sends, causes to be sent, exhibits, or offers to distribute or exhibit any harmful matter to the minor is guilty of a misdemeanor.

(b) Every person who misrepresents himself to be the parent or guardian of a minor and thereby causes the minor to be admitted to an exhibition of any harmful matter is guilty of a misdemeanor.

SEC. 2. Section 313.2 of the Penal Code is amended to read:

313.2. (a) Nothing in this chapter shall prohibit any parent or guardian from distributing any harmful matter to his child or ward or permitting his child or ward to attend an exhibition of any harmful matter if the child or ward is accompanied by him.

(b) Nothing in this chapter shall prohibit any person from exhibiting any harmful matter to any of the following:

(1) A minor who is accompanied by his parent or guardian.

(2) A minor who is accompanied by an adult who represents himself to be the parent or guardian of the minor and whom the person, by the exercise of reasonable care, does not have reason to know is not the parent or guardian of the minor.

CHAPTER 258*An act to amend Section 430 of the Code of Civil Procedure, relating to procedure.*

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 430 of the Code of Civil Procedure is amended to read:

430. The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, or from any matter of which the court must or may take judicial notice, either:

1. That the court has no jurisdiction of the subject of the action;
2. That the plaintiff has not legal capacity to sue;
3. That there is another action pending between the same parties for the same cause;
4. That there is a defect or misjoinder of parties plaintiff or defendant;
5. That several causes of action have been improperly united, or not separately stated;
6. That the complaint does not state facts sufficient to constitute a cause of action;
7. That the complaint is uncertain; "uncertain," as used herein, includes ambiguous and unintelligible;
8. That, in actions founded upon a contract, it cannot be ascertained from the complaint, whether or not the contract is written or oral.

CHAPTER 259

An act to amend Section 171c of, and to add Section 626.9 to, the Penal Code, relating to firearms.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 171c of the Penal Code is amended to read:

171c. Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, a member of the military forces of this state or the United States engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, who brings a loaded firearm into, or possesses a loaded firearm within, the State Capitol, any legislative office, any office of the Governor or other constitutional officer, or any hearing room in which any committee of the Senate or Assembly is conducting a hearing, or upon the grounds of the State Capitol, which is bounded by 10th, L, 15th, and N Streets in the City of Sacramento, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than five years.

SEC. 2. Section 626.9 is added to the Penal Code, to read:

626.9. Any person, except a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, a member of the military forces of this state or the United States who is engaged in the performance of his duties, or a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, who brings or possesses a firearm upon the grounds of any public school, including the University of California and the state colleges, or within any public school, including the University of California and the state colleges, unless it is with the permission of the school authorities, shall be punished by imprisonment in the county jail for a period of not more than one year, a fine of not more than one thousand dollars (\$1,000), or both such imprisonment and fine, or by imprisonment in the state prison for a period of not more than five years.

CHAPTER 260

An act to amend Section 2080.3 of the Civil Code, relating to lost or saved property.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2080.3 of the Civil Code is amended to read:

2080.3. If no owner appears and proves his ownership of the property within 90 days, the police department or sheriff's department shall cause to be published at least once in a newspaper of general circulation notice of the found or saved property. If, after seven days following the first publication of the notice, no owner appears and proves his ownership of the property and the person who found or saved the property pays the cost of such publication, then the title shall vest in the person who found or saved the property unless the property was found in the course of employment by an employee of any public agency in which case the property shall be sold at public auction. Title to such property shall not vest in the person who found or saved the property or in the successful bidder at the public auction unless the cost of publication is first paid to the city, county, or city and county, the police or sheriff's department of which caused the notice to be published.

CHAPTER 261

An act to amend Sections 37202 and 37208 of the Government Code, relating to city financial powers.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 37202 of the Government Code is amended to read:

37202. Except as provided in Section 37208, the legislative body shall approve or reject demands only after such demands have been audited in the manner prescribed by ordinance or resolution. Such audited demands may be submitted separately or a register of audited demands may be submitted to the legislative body for approval or rejection and shall have attached thereto the affidavit of the officer submitting the demands certifying as to the accuracy of the demands and the availability of funds for payment thereof.

SEC. 2. Section 37208 of the Government Code is amended to read:

37208. Payroll warrants need not be audited by the legislative body prior to payment. Payrolls shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the payroll warrants.

Warrants drawn in payment of demands certified or approved by the city clerk as conforming to a budget approved by ordinance or resolution of the legislative body need not be audited by the legislative body prior to payment. Budgeted demands paid by warrant prior to audit by the legislative body shall be presented to the legislative body for ratification and approval at the first meeting after delivery of the warrants.

CHAPTER 262*An act to amend Section 61806.5 of the Agricultural Code, relating to milk distributors.*

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 61806.5 of the Agricultural Code is amended to read:

61806.5. "Distributor" also means (a) any person who purchases fluid milk or fluid cream in containers of less than one quart, and dispenses such fluid milk or fluid cream through automatic vending machines, (b) any person who refrigerates, stores, or assembles individual order allotments of fluid milk or fluid cream, in containers of less than one quart, at a

fixed, established business location prior to transportation of such fluid milk or fluid cream in which mobile vehicles on regularly operated routes not predominantly for sales of fluid milk or fluid cream on such routes, from which mobile vehicle such fluid milk or fluid cream is sold, on such routes, in containers of less than one quart, directly to consumers, and (c) any person whose primary and regular business is the sale of supplies to documented or foreign registry vessels in any transaction where such person refrigerates, stores, or assembles individual order allotments of fluid milk or fluid cream at a fixed established business location and thereafter transports such fluid milk or fluid cream to documented or foreign registry vessels.

CHAPTER 263

An act to amend Section 45007 of the Government Code, relating to civil service.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 45007 of the Government Code is amended to read:

45007. After inclusion in the system, any departments or appointive officers or employees shall not be withdrawn, either by an outright repeal of the civil service ordinance or otherwise, unless the withdrawal has been submitted to the city electors at a special or regular municipal election and approved by two-thirds of those voting on the proposition, except that regular full-time city department heads, may be withdrawn by a majority vote of the city council.

CHAPTER 264

An act to amend Section 6010 of the Financial Code, relating to savings and loan associations.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6010 of the Financial Code is amended to read:

6010. An association which maintains one or more branch offices shall give to each branch office a specific designation by name and include in the designation the word "branch" and shall prominently display the designation at the place of business of the branch.

CHAPTER 265

An act to amend Section 1607 of the Revenue and Taxation Code, relating to local equalization proceedings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1607 of the Revenue and Taxation Code is amended to read:

1607. (a) A reduction in an assessment on the local roll shall not be made unless the party affected or his agent makes and files with the county board a verified, written application showing the facts claimed to require the reduction and the applicant's opinion of the full cash value of the property.

(b) In the case of a county of the second to ninth class, inclusive, the application shall be filed between July 2 and September 15. An application that is mailed and postmarked September 15 or earlier within such period shall be deemed to have been filed between July 2 and September 15.

(c) Except as provided in Section 1760, in the case of a county other than one described in subdivision (b), the application shall be filed between July 2 and August 26. An application that is mailed and postmarked August 26 or earlier within such period shall be deemed to have been filed between July 2 and August 26.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In counties with a population of 4,000,000 or more, the time schedule for holding equalization proceedings differs from the time schedules in smaller counties. Through inadvertence at its 1969 Regular Session, the Legislature enacted Chapter 1095 of the statutes and made the time period for filing applications for assessment reductions in smaller counties apply as well to counties having a population of 4,000,000 or more. In order to remedy this situation at the earliest possible time, it is necessary that this act take effect immediately.

CHAPTER 266

An act to add Section 72716 to the Government Code, relating to courts.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 72716 is added to the Government Code, to read:

72716. In addition to any other fees or charges required by law, in all civil cases and proceedings, exclusive of small claims court cases, the clerk shall collect from all private persons, firms and corporations the following charges for all court forms supplied:

(a) Twenty-five cents (\$0.25) for 25 forms or less.

(b) One cent (\$0.01) per form where 25 or more forms are purchased at the same time.

The provisions of Section 72004, shall apply to the collection and disposition of all sums collected pursuant to this section.

CHAPTER 267

An act to amend Sections 460 and 14202 of the Elections Code, relating to precinct indexes.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 460 of the Elections Code is amended to read:

460. Notwithstanding anything contained in this article, in any county in which tabulating equipment is used to produce the indexes of registration, the indexes shall be furnished to persons, committees, and agencies as provided in this article by street addresses in numerical order, but such indexes may be maintained in alphabetical order. In the event such county contains precincts for which the majority of voters have no street addresses, the indexes for such precincts may be arranged and furnished for all purposes in alphabetical order in accordance with the surnames of voters.

SEC. 2. Section 14202 of the Elections Code is amended to read:

14202. Before opening the polls the precinct board shall post in separate, convenient places at or near the polling place and of easy access to the voters not less than two of the copies of the index to the book of affidavits of registration furnished for that precinct.

In any county in which tabulating equipment is used to produce the index of registration, the copies of the index posted pursuant to this section shall be by street addresses in numerical order, unless otherwise provided by Section 460.

CHAPTER 268

An act to add Section 2.4 to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), relating to the Orange County Flood Control District.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2.4 is added to the Orange County Flood Control Act (Chapter 723 of the Statutes of 1927), to read:

Sec. 2.4. In addition to its other powers, the district shall have the power to preserve and enhance its properties and, upon a finding by the board of supervisors that the acquisition is necessary for such purpose, to acquire, preserve, and enhance lands or interests in lands contiguous to its properties, for the protection and preservation of the scenic beauty and natural environment of such properties or such lands.

CHAPTER 269

An act to amend Section 195 of, to add Section 4800.5 to, and to repeal Sections 85 and 149 of, the Civil Code, relating to family law.

[Approved by Governor June 29, 1970 Filed with
Secretary of State June 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 85 of the Civil Code is repealed.

SEC. 2. Section 149 of the Civil Code is repealed.

SEC. 3. Section 195 of the Civil Code is amended to read:

195. The issue of a marriage which is void, invalid, adjudged a nullity, or dissolved by a judgment decreeing the dissolution of the marriage is legitimate.

As used in this section, "issue" includes any child within Section 216.

SEC. 4. Section 4800.5 is added to the Civil Code, to read:

4800.5. When service of summons is made pursuant to Section 415.50 of the Code of Civil Procedure upon a spouse in a proceeding under the provisions of this part, the court, without the aid of attachment thereof or the appointment of a receiver, shall have and may exercise the same jurisdiction over all of the following:

(a) The community real property of the spouse so served situated in this state as it has or may exercise over the community real property of a spouse in a proceeding under this part who is personally served with process within this state.

(b) The quasi-community real property of the spouse so served situated in this state as it has or may exercise over the quasi-community real property of a spouse in a proceeding under this part who is personally served with process within this state.

CHAPTER 270

An act to amend Sections 56440, 56441, 56442 and 56443 of, and to add Section 56072.1 to, the Government Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1970. Filed with
Secretary of State June 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 56072.1 is added to the Government Code, to read:

56072.1. "Subject territory" means that territory proposed to be annexed to any subject district, or that territory not within any subject district but proposed to be included within a new district in a reorganization or plan of reorganization.

SEC. 2. Section 56440 of the Government Code is amended to read:

56440. In any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall call and provide for an election to be held and conducted:

(a) Within the entire territory of each district ordered to be formed, dissolved or consolidated;

(b) Within the entire territory of each district and city, where such district has been ordered merged with or established as a subsidiary district of such city; and

(c) Within any territory ordered annexed to or detached from a district.

(d) Subject to compliance with any commission order pursuant to Section 56252, both within the territory ordered to be annexed to or detached from a district and within all such part of said district as is outside of such territory.

SEC. 3. Section 56441 of the Government Code is amended to read:

56441. Prior to adopting any resolution ordering a reorganization, subject to confirmation of the voters, the board of supervisors shall determine whether any single subject district or subject territory constitutes a major district or major territory, as defined in Section 56442. If it is determined that a major district or major territory exists, any resolution ordering a reorganization subject to confirmation of the voters shall designate the major district or major territory, either by name or boundary description, and all minor districts or minor territory, either by name or boundary descriptions.

SEC. 4. Section 56442 of the Government Code is amended to read:

56442. A "major district" means any single subject district which has voting power greater than the combined voting power of all other subject districts or subject territories. A "major territory" means any subject territory which has voting power greater than the combined voting power of all other subject districts. A "minor district" or "minor territory" means any subject district or territory which is not a major district or major territory. No "major district" shall be deemed to exist where the territory of a single subject district overlaps the entire territory covered by the proposed reorganization. The voting power of the respective subject districts or subject territories shall be determined as follows:

(a) The total number of votes authorized to be cast within each subject district shall be determined for the entire territory of such district, including all overlapping territory.

(b) The total number of votes authorized to be cast within the subject territory shall be determined and shall be designated as the voting power of the subject territory.

(c) If the election is to be called and held within any territory ordered detached from a subject district, the voting power of such district shall be determined with respect only to the territory ordered detached and not the entire territory of such district.

(d) If the subject territory is proposed to be included in the formation of a new resident-voter district or annexed to an existing resident-voter district, the respective voting power thereof shall be computed in accordance with subdivision (e); if the subject territory is proposed to be included in the formation of a new landowner-voter district or annexed to an existing landowner-voter district, the respective voting power thereof shall be computed in accordance with subdivision (f).

(e) If all of the subject districts are cities or resident-voter districts, the respective voting power thereof shall be the total number of registered voters within each such city or district at the close of registration, as provided in the Elections Code, next preceding the date of election fixed in the resolution ordering the reorganization, subject to confirmation of the voters.

(f) If all of the subject districts are landowner-voter districts, the respective voting power thereof shall be deemed to be the assessed value of land, as shown on the last equalized assessment roll of the county, within each such district.

(g) If the subject districts or subject territory consist of any landowner-voter district and also any city or resident-voter district, the respective voting power thereof shall be computed and equated in the manner provided in Section 56118, except that computation may be made for such date, not earlier than 21 days before the close of registration, as provided in the Elections Code, next preceding the date of the

election nor later than such close of registration, as the board of supervisors may specify.

SEC. 5. Section 56443 of the Government Code is amended to read:

56443. After the canvass of the returns of the special election upon the question of reorganization, the board of supervisors shall adopt a resolution either:

(a) Confirming the order of reorganization,

(1) Where there was no major district or major territory and such question was favored by a majority of the votes cast thereon within the entire territory within which said election was held, or

(2) Where there was a major district or major territory and such question was favored (i) by a majority of the votes cast thereon within the major district or major territory and, in addition, (ii) by a majority of the combined votes cast thereon within all of the minor districts; or

(b) Determining the order of reorganization defeated by failure to receive the required vote.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that present critical proceedings receive optimum public participation it is necessary that this act take immediate effect.

CHAPTER 271

An act to amend Sections 13584, 13584.1, 13584.2, 13584.3, and 25413.1 of the Education Code, relating to classified school employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1970. Filed with
Secretary of State June 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13584 of the Education Code is amended to read:

13584. Any division, uniting, unionization, annexation, merger, or change of school district boundaries shall not affect the rights of persons employed in positions not requiring certification qualifications to continue in employment for not less than two years and to retain the salary, leaves and other benefits which they would have had had the reorganization not occurred, and in the manner provided in this article:

(a) All employees of every school district which is included in any other district, or all districts included in a new district, shall become employees of the new district.

(b) When a portion of the territory of any district becomes part of another district employees regularly assigned to perform their duties in the territory affected shall become employees of the acquiring district. Employees whose assignments pertained to the affected territory, but whose employment situs was not in such territory, may elect to remain with the original district or become employees of the acquiring district.

(c) When the territory of any district is divided between or among two or more districts and the original district ceases to exist, employees of the original district regularly assigned to perform their duties in any specific territory of such district shall become employees of the district acquiring the territory. Employees not assigned to specific territory within the original district shall become employees of any acquiring district at their election.

(d) Employees regularly assigned by the original district to any school in said district shall be an employee of the district in which said school is located. Except as herein provided, nothing herein shall deprive the governing board of the acquiring district from making reasonable reassignments of duties.

SEC. 2. Section 13584.1 of the Education Code is amended to read:

13584.1. Whenever, by reason of any reorganization, other than the unification of districts, all or part of the territory of any school district which has adopted the merit system is included within any district, or in any new district, the governing board of the acquiring or new district shall adopt such merit system. In the event that any district simultaneously acquires all or part of the territory of two or more districts which have previously adopted the merit system, the governing board of the acquiring or new district shall adopt a merit system containing such provisions as are necessary to afford to all employees the rights guaranteed by this section. The employees of the reorganized or new district shall retain all rights and privileges as if they had been employed under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, with seniority commencing as of the date of original employment in their original district. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, such personnel shall be retained in employment for a period of not less than two years as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and governing board of the reorganized district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate reemployment lists for 39 months and, if

so placed, shall be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to reemployment at the original level should a vacancy at such level occur within the period mentioned in this section.

SEC. 3. Section 13584.2 of the Education Code is amended to read:

13584.2. If all or any part of any district or districts which is unified with all or any part of a district, has, or have, the merit system prior to the date of the reorganization election, all employees not legally requiring certification qualifications of the reorganized district shall be employed in accordance with Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. If on the date of such reorganization election, two or more of the said defined districts of such reorganized district have merit systems, the reorganized district shall adopt a single merit system which shall contain all provisions necessary to secure to all employees the rights guaranteed by Section 13584.3 of this code.

Seniority of the personnel of the reorganized district shall be established as of the date of original employment in the district or districts as defined above. Where there are more than a sufficient number of employees for a given classification under the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10, such personnel shall be retained in employment for a period of not less than two years as if the reorganization had not occurred but without prejudice to the powers of the personnel commission and the governing board of the new unified district to reasonably reassign such persons. If at the expiration of such period, upon a finding made by the personnel commission that there are excess personnel in any given classification, such personnel shall, if the governing board so directs, be placed upon appropriate reemployment lists for 39 months, and shall, if so placed, be offered and may accept positions of lower rank in their line of promotion in the order of seniority as established by this section in accordance with rules drawn in compliance with the provisions of Article 5 (commencing with Section 13701) of Chapter 3 of Division 10. The acceptance of a position in lower rank in accordance herewith shall not be deemed to constitute a waiver of the right to reemployment at the original level should a vacancy at such level occur within the period mentioned in this section.

SEC. 4. Section 13584.3 of the Education Code is amended to read:

13584.3. Persons employed in positions not requiring certification qualifications in districts, all or part of whose territory is included in a unification of districts, shall continue as

employees of the unified school district for not less than two years, and shall not, by reason of any unification, be deprived of any benefit which they would have had had the unification not taken place. In determining the rights of such employees, their salaries, accumulated leaves, and other rights shall be determined as of the date the unification election was conducted. No increase in benefits not previously conferred, granted by the governing board of any district, all or part of whose territory is included in a unification of districts, after such unification election, shall be binding on the governing board of the unified district, except that benefits granted in the districts comprising the new unified district which does not become effective until the second succeeding first day of July shall be binding on the governing board of the unified district. Nothing herein contained shall preclude the governing board of the unified school district from making any reasonable reassignment of the duties of such employees. The governing board of the unified district shall establish a system of uniform salaries, employee benefits and working conditions for employees performing like services in conformity with the provisions of this section.

SEC. 5. Section 25413.1 of the Education Code is amended to read:

25413.1. When a junior college district, members of the governing board of which are also members of the governing board of a city school district with an average daily attendance of 400,000 or more in grades kindergarten through 12, serves a greater area than the city school district, the persons who serve as members on the governing board of the junior college district shall not serve also as members of the city school district board. Those persons who serve as members of the governing boards of both the junior college district and the city school district shall, on or before December 31, 1968, elect on which of the two boards they will continue to serve. Those persons who elect to serve as members of either the governing board of the junior college district or the governing board of the city school district shall continue to serve also as members of the governing board from which they have elected to withdraw until their successors on such board are elected at the governing board election next following December 31, 1968, and have assumed office.

Prior to December 1, 1968, the governing board shall identify each position the wages or salary of which is paid in whole or in part from the funds of the junior college district and shall so notify each incumbent. Each employee whose regular-position wages or salary is paid exclusively from the funds of either district as of June 30, 1969, shall be deemed on July 1, 1969 to be an employee of the district paying the wages or salary. Each classified employee whose regular-position wages or salary was upon written notification made after July 1, 1968, paid in part from junior college district funds and in part from city school district funds, and each certifi-

cated employee paid 50 percent or more from the funds of the junior college districts, shall make an irrevocable, written election on or before December 31, 1968, as to the district in which he will serve. Upon the effective date of the election, a classified employee in either district shall have the right, based upon his seniority in the position classification in which he is then serving, to transfer to a position in the same position classification in the other district and to displace a classified employee with lesser seniority in such class employed in the other district, under rules established by the personnel commission serving the city school district. Should such an employee fail to make such election he shall be deemed to have elected to serve the city school district. Such election shall become effective on July 1, 1969, unless the employee has prior to June 30, 1969 voluntarily accepted regular assignment to a regular position the wages or salary of which is paid on June 30, 1969 exclusively by one district, and he is the incumbent in such position on said date. After June 30, 1969, no such employee shall have tenure or classification as a permanent employee in other than the district in which he elects to serve.

If both the city school district and the junior college district have adopted a merit system as provided in Article 5 (commencing with Section 13701) of Chapter 3, Division 10 of this code, and were served by a single personnel commission as provided in Section 13705, then a new personnel commission shall be appointed for the junior college district effective January 1, 1969, or as soon thereafter as possible, under the procedures applicable to the original appointments to the personnel commission which has served both districts. Subsequent appointments shall be made in accordance with Section 13707.4. The new personnel commission shall be empowered to meet prior to July 1, 1969, for the purpose of appointing a personnel director, and may enter into a contract with the personnel commission which has served both districts for the necessary selection procedures. It may also take action on all other matters necessary for the orderly transition of responsibility between the two personnel commissions. The new personnel commission shall appoint a personnel director in the manner provided in Section 13717 within 90 days after the appointment of at least two of its members, but not before July 1, 1969. The personnel commission which had served both districts may continue to serve both districts pursuant to the terms of a contract which may be entered into by the personnel commissions of both school districts until such time as the newly appointed personnel commission determines that it can serve the junior college district.

Except as otherwise provided in this section, the rights, benefits and burdens of regular classified employees of both the city school district and the junior college district shall be fixed in accordance with the provisions of Sections 13584 and 13584.1. The personnel commission of the junior college dis-

trict shall initially adopt the rules of the personnel commission which had served both districts. The governing board of the junior college district shall fix the compensation of classified employees in accordance with Section 13601.5. The junior college district shall maintain for a period of two years after June 30, 1969 at least the same benefits of salary, vacation, hospital-medical insurance, paid illness leave, and other paid leaves provided for classified employees on June 30, 1969.

A classified employee who has probationary status in either district on June 30, 1969, shall remain in probationary status, with accumulated seniority credit, until he completes his probationary period. A classified employee who has permanent status on June 30, 1969, shall have the rights and privileges listed below on and after the separation of the junior college and city school boards of education:

(a) Seniority for all purposes for all creditable service, as provided by the rules of the appropriate personnel commission, in either district.

(b) In case of layoff from one district the right of reemployment in the other district, including the exercise of bumping rights, if the employee has the least seniority in his class in the employing district. Such reemployment and bumping rights shall apply to employees laid off on or before June 30, 1970; and through August 31, 1970, to employees whose layoff or bumping would have been effective as of June 30, 1970 except for delay caused by the process of determining relative seniority and bumping rights of employees. Subject to the approval of the employing district, the privilege of being reinstated after layoff in either district in a parallel class for a period of 27 months commencing July 1, 1970.

(c) Subject to the approval of the employing district, the privilege of reinstatement after resignation or voluntary demotion, and the privilege of transfer or voluntary demotion in either district, with the approval of both districts, for a period of 39 months after July 1, 1969.

(d) The right to compete in promotional examinations in both districts through June 30, 1970 for classes for which he is qualified.

(e) The retention of all accrued vacation and illness leave benefits.

All classified eligibility lists which are in effect on June 30, 1969, shall continue to be in effect in both districts, for applicable classes, until they expire in accordance with Section 13738. Employees of both the city school district and the junior college district who are on such lists on June 30, 1969 may be certified for and may accept appointments to positions in either district.

For the purposes of Section 13723, the junior college district shall be deemed to be a school district which had already adopted the merit system prior to the amendment of Section 13723 in 1965.

It is the intent of the Legislature in enacting this act to continue the rights, benefits, and privileges of regular classified employees, insofar as practicable, without disruption which may be caused by the separation of the junior college and city boards of education.

Any part or all of the land, buildings, fixtures, leases, and other real property which are jointly owned by the city school district and the junior college district may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such real property. Such payments may be made in installments over a five-year period, commencing July 1, 1969. Not less than 20 percent of such proportionate interest of the junior college district shall be paid in any one installment. Such property shall be valued at its insurable value as of May 1, 1969. In cases where the value of real property cannot be established by reference to insurable value the market value of the property shall be used for valuation purposes. In order to provide for such payments, and for cash payments authorized in this section for the purpose of purchasing equipment, supplies, fixtures, vehicles, and other personal property, the maximum school district tax for such city school district is hereby increased by such amount as will produce the amount of such payments made pursuant to this section, and the increase shall be in addition to any other school district tax authorized by law to be levied. Such maximum school district tax increase may be levied commencing July 1, 1968 and shall remain in effect until all payments to the junior college district for its interest in such real and personal property have been made.

All equipment and supplies, including fixtures, and other personal property located in any school shall remain with and become the property of the district operating such school. Any part or all of the equipment, supplies, fixtures, and other personal property, located in a facility owned jointly by both such districts, and which property has been used jointly by both such districts may, at the option of the city school district, become the property of the city school district subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

Equipment, supplies, and other stores possessed jointly by both districts as of July 1, 1969 shall be distributed in kind or in cash value in accordance with the costs as reflected in the records of the junior college district and the city school district.

Vehicles jointly owned or jointly used by the city school district and by the junior college district, including those used for grading, landscaping, building or ground maintenance, cleaning, and for materials handling purposes, regardless of location, may, at the option of the city school district, become the property of the city school district, subject to the requirement that the city school district pay cash, or other valuable consideration acceptable to the junior college district, to the junior college district for its proportionate interest in such personal property. Such personal property shall be valued at its insurable value as of May 1, 1969.

One district may contract with the other district for the performance of services under such terms and conditions as may be agreed upon by the two districts.

Whenever in this code a section refers to a district, or to two or more districts, governed by a single governing board, or by governing boards of identical personnel, or to a district or districts in which the average daily attendance is in excess of 400,000, or makes a similar such reference, all provisions of such section shall apply with equal force to both such city school district and junior college district.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Major organizational changes in school districts will become effective July 1, 1970. In order to carry out the intent of the Legislature to continue the rights, benefits, and privileges of regular classified employees, insofar as possible, without disruption due to reorganizations, it is necessary that this act take effect immediately to extend protection beyond the present July 1, 1970 date.

CHAPTER 272

An act to amend Section 14107 of the Education Code, to amend Section 16107 of the Government Code, to add Section 218.5 to, and to amend Section 129 of, the Revenue and Taxation Code, relating to subventions to local government to compensate for revenues lost by reason of property tax exemptions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 30, 1970. Filed with
Secretary of State June 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14107 of the Education Code is amended to read:

14107. Each school district or other employing agency shall contribute to the Retirement Annuity Fund, an amount

equal to 3 percent of the compensation paid by the district or agency, to its employees who are members of the system, except that:

(a) No elementary school district, high school district not maintaining a junior college, or junior college district shall be required to contribute an amount in excess of the amount that would be produced by a tax of five cents (\$0.05) on each one hundred dollars (\$100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that

(b) No high school district maintaining a junior college, or unified school district not maintaining a junior college, shall be required to contribute to the fund an amount in excess of the amount that would be produced by a tax of ten cents (\$0.10) on each one hundred dollars (\$100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located, and that

(c) No unified school district maintaining a junior college shall be required to contribute to the fund an amount in excess of the amount that would be produced by a tax of fifteen cents (\$0.15) on each one hundred dollars (\$100) of the taxable property of the district as shown by the equalized assessment roll for the current fiscal year of the county or counties in which the district is located

(d) For the purposes of this section, the taxable property of the districts as shown by the equalized assessment rolls shall be the total taxable property of the districts prior to reductions caused by the exemption of the assessed value of business inventories and homeowners property tax exemption.

SEC. 2. Section 16107 of the Government Code is amended to read:

16107. (a) Out of the amount appropriated by Section 16105 from the Property Tax Relief Fund, the following amounts shall be allocated to counties and cities and counties for property tax relief in the 1969-70 fiscal year:

Alameda -----	\$3,462,278
Alpine -----	772
Amador -----	14,813
Butte -----	209,853
Calaveras -----	13,237
Colusa -----	56,830
Contra Costa -----	1,630,989
Del Norte -----	34,669
El Dorado -----	47,873
Fresno -----	1,108,943
Glenn -----	54,998
Humboldt -----	314,753
Imperial -----	232,160
Inyo -----	19,848

Kern	651,077
Kings	191,106
Lake	14,552
Lassen	34,917
Los Angeles	19,202,016
Madera	123,183
Marin	184,568
Mariposa	12,969
Mendocino	121,869
Merced	254,490
Modoc	35,412
Mono	4,171
Monterey	382,873
Napa	145,335
Nevada	22,169
Orange	2,453,442
Placer	81,810
Plumas	22,054
Riverside	755,314
Sacramento	1,057,608
San Benito	72,029
San Bernardino	1,154,201
San Diego	1,699,718
San Francisco	1,956,405
San Joaquin	1,138,805
San Luis Obispo	188,237
San Mateo	1,335,217
Santa Barbara	329,868
Santa Clara	2,576,853
Santa Cruz	158,550
Shasta	129,056
Sierra	4,133
Siskiyou	84,894
Solano	194,621
Sonoma	397,052
Stanislaus	760,950
Sutter	98,378
Tehama	78,179
Trinity	9,882
Tulare	409,480
Tuolumne	35,687
Ventura	407,744
Yolo	313,802
Yuba	45,734

(b) For the 1970-1971 and 1971-1972 fiscal years, the 1969-1970 base figures provided for in subdivision (a) of this section shall be increased by 100 percent for each county and city and county.

(c) For the 1972-1973 fiscal year and each fiscal year thereafter, the 1969-1970 base figures provided for in subdivision (a) of this section shall be used.

SEC. 3. Section 129 of the Revenue and Taxation Code is amended to read:

129. "Business inventories" shall include goods intended for sale or lease in the ordinary course of business and shall include raw materials and work in process with respect to such goods. "Business inventories" shall also include animals and crops held primarily for sale or lease, or animals used in the production of food or fiber and feed for such animals.

"Business inventories" shall not include any goods actually leased or rented on the lien date nor shall "business inventories" include business machinery or equipment or office furniture, machines or equipment, except when such property is held for sale or lease in the ordinary course of business. "Business inventories" shall not include any item held for lease which has been or is intended to be used by the lessor prior to or subsequent to the lease.

SEC. 4. Section 218.5 is added to the Revenue and Taxation Code, to read:

218.5. (a) In order to assure the accuracy of the state's reimbursements for the homeowner's property tax exemption, county assessors shall supply the board with information required to identify and eliminate duplicate exemptions arising from the filing of claims in two or more counties by members of a single household.

(b) Upon written request of the board, assessors shall supply information from the county records in such form as the board may specify, with the concurrence of the Controller, which is necessary to fully identify all homeowner's exemption claims allowed by the assessors. The information may be required in the form of data processing media or other media and in such format as is compatible with the recordkeeping processes of the counties and the auditing procedures of the state.

SEC. 5. Wherever, under any provision of law, state reimbursement is made for lost tax revenue to taxing authorities by reason of partial business inventory and homeowner's property tax exemption, the loss of tax revenue to a metropolitan water district or a county water authority by reason of taxing agencies within such a district or authority paying out of their funds, other than funds derived from ad valorem property taxes, all or a stated percentage of the taxes levied by such a district or authority, shall be reimbursed by the state to such a district or authority in the same manner as provided by law for other taxing authorities and to the same extent as if all of the taxes of such a district or authority had been carried on the county assessment roll.

SEC. 6. Notwithstanding any other provision of law to the contrary, the Controller shall recompute the amount allocated on or before April 30, 1970, within seven days after the effective date of this section, pursuant to subdivision (d) of Section 31 of Chapter 1 of the Statutes of of the 1968 First Extraordinary Session on the basis of the schedule contained in

subdivision (a) of Section 16107 of the Government Code, as amended by Section 2 of this act, rather than on the basis of the schedule contained in subdivision (a) of such Section 31. The Controller shall recompute the amount allocated on or before August 31, 1969, pursuant to subdivision (d) of such Section 31 on the basis of the schedule contained in subdivision (a) of Section 16107 of the Government Code, as amended by Section 2 of this act, and shall, on or before June 30, 1970, pay the difference, if any, between the amount so recomputed and the amount paid on or before August 31, 1969.

SEC. 7. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Problems continue to arise in the administration of the recently enacted homeowner's property tax exemption and the partial exemption for business inventories. The Legislature has undertaken to provide property tax relief for homeowners and businessmen without a resulting revenue loss to local government by compensating local government for the amount of such losses from state funds. However, additional information keeps coming to light to indicate that some units of local government are not being compensated for their losses in full. In order to correct these inequities at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 273

An act to amend Section 13443 of the Education Code, relating to probationary employees.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13443 of the Education Code is amended to read:

13443. (a) No later than March 15 and before an employee is given notice by the governing board that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the

governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor. If a probationary employee has been in the employ of the district for less than 45 days on March 15, the giving of such notice may be deferred until the 45th day of employment and all time periods and deadline dates herein prescribed shall be coextensively extended.

(b) The employee may request a hearing to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (a), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (a) shall advise the employee of the provisions of this subdivision.

(c) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency therein, except that: (1) the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation; (2) the discovery authorized by Section 11507.6 of the Government Code shall be available only if request is made therefor within 15 days after service of the accusation, and the notice required by Section 11505 of the Government Code shall so indicate; and (3) the hearing shall be conducted by a hearing officer who shall prepare a proposed decision, containing findings of fact and a determination as to whether the charges sustained by the evidence are related to the welfare of the schools and the pupils thereof, but the proposed decision shall not contain a determination as to the sufficiency of the cause or a recommendation as to disposition, which sufficiency and disposition shall be determined by the governing board. The proposed decision shall be submitted to the governing board on or before May 7 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(d) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of

the schools and the pupils thereof. The decision made after the hearing shall be effective on May 15 of the year in which the proceeding is commenced.

(e) Notice to the probationary employee by the governing board that his service will not be required for the ensuing year, shall be given no later than May 15.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the employee to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the employee.

(h) In the event that the governing board does not give notice provided for in subdivision (e) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (b) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (c), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

CHAPTER 274

An act to amend Section 10066 of, and to add Section 10678.2 to, the Health and Safety Code, relating to records of vital statistics.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10066 of the Health and Safety Code is amended to read:

10066. Special county records of birth certificates and death certificates transmitted and filed with the county recorder under the provisions of this chapter shall be open for inspection by the public in accordance with rules and regulations adopted by the State Department of Public Health for local registrars.

Nothing in this section shall authorize the use of a certificate marked pursuant to subdivision (a) of Section 10056.5 by any person compiling a business contact list.

SEC. 2. Section 10678.2 is added to the Health and Safety Code, to read:

10678.2. Any person who uses any information from a certificate of live birth which is stamped with the notation authorized under subdivision (a) of Section 10056.5 is guilty of a misdemeanor.

CHAPTER 275

An act to amend Sections 74662, 74663, 74664, 74665 and 74666 of the Government Code, relating to municipal courts.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 74662 of the Government Code is amended to read:

74662. In the San Jose-Milpitas Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 52.5. The clerk may appoint:

(a) 1 chief deputy court clerk who shall receive a salary as specified in range 47.5.

(b) 4 deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 40.

(c) 19 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 39.

(d) 33 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 34.

(e) 19 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 31.

SEC. 2. Section 74663 of the Government Code is amended to read:

74663. In the Santa Clara Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 49.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 44.5.

(b) 4 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 39.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 34.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 31.

SEC. 3. Section 74664 of the Government Code is amended to read:

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 49.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 44.5.

(b) 2 deputy court clerks, grade III, who shall receive a salary as specified in range 39.

(c) 3 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 34.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 31.

SEC. 4. Section 74665 of the Government Code is amended to read:

74665. In the Sunnyvale-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 49.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 44.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 39.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 34.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 31.

SEC. 5. Section 74666 of the Government Code is amended to read:

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 50.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 45.5.

(b) 7 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 39.

(c) 12 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 34.

(d) 8 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 31.

CHAPTER 276

An act to amend Section 1153 of the Probate Code, relating to reports of public administrators.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1153 of the Probate Code is amended to read:

1153. The public administrator, or any person who received letters of administration while acting as public administrator, must return to the superior court, once in every six months,

a report, under oath, of all estates of decedents which have come into his hands during the said six months, giving the value of each estate, the amount of money which he has received from each estate, a statement of what he has done with it, and the amount of his fees and expenses incurred in each estate, and the balance, if any, in each estate, remaining in his hands. He must publish such report pursuant to Section 6061.3 of the Government Code in some newspaper published in the county, or if there is none, then post the same, legibly written or printed, in the office of the county clerk of the county. One copy of the report must be filed with the papers in each estate so reported and one copy must be transmitted to the State Controller within 60 days after the first Monday in January and July of each year.

CHAPTER 277

An act to amend Section 11602 of the Business and Professions Code, and to amend Section 2823 of the Revenue and Taxation Code, relating to subdivisions.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11602 of the Business and Professions Code is amended to read:

11602. If the land being subdivided is a portion of a larger parcel shown on the last preceding tax roll as a unit, the bond or deposit for payment of taxes need be only for such sum as may be determined by the board of supervisors to be sufficient to pay the taxes on the land being subdivided, together with all accrued penalties and costs if such taxes are allowed to become delinquent. The board of supervisors may also order the creation of a new assessor's parcel pursuant to Section 2823 of the Revenue and Taxation Code which shall include all the land within the subdivision.

If the land being subdivided is sold for taxes it may be redeemed from such sale without the redemption of the remainder of the larger parcel of which it is a part pursuant to the provisions of the Revenue and Taxation Code as if it were held in ownership separate from and other than the ownership of the remainder.

SEC. 2. Section 2823 of the Revenue and Taxation Code is amended to read:

2823. The county assessor shall determine a separate valuation on the parcel, and shall determine the valuation of the remaining parcel. The sum of the valuations of the parcels shall equal their total valuation before separation.

A separate valuation shall not be made of any parcel covered by a subdivision map filed for record after the next preceding lien date. In connection with the recording of a final subdivision map a segregation may nevertheless be made so as to include all of the land within the subdivision in a single parcel.

A separate valuation shall not be made dividing any piece of property separately assessed in the original assessment into more than four parcels.

If the application requested that the tax created by the assessment of personal property, or leasehold improvements, or possessory interests be allowed to remain as a lien on the parcel sought to be separately valued, and the assessor determines that the value of the parcel is sufficient to secure the payment of the tax, the assessor shall set forth the value of such personal property, or leasehold improvements, or possessory interests opposite his determination of the value of the parcel.

CHAPTER 278

An act to add Article 2 (commencing with Section 34870) and Article 3 (commencing with Section 34890) to Chapter 7 of Part 1 of Division 2 of Title 4 of, and to repeal Article 2 (commencing with Section 34870) of Chapter 7 of Part 1 of Division 2 of Title 4 of, the Government Code, relating to city council elections.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 34870) of Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code is repealed.

SEC. 2. Article 2 (commencing with Section 34870) is added to Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code, to read:

Article 2. Election of Legislative Body By or From Districts in Cities

34870. This article applies only to cities.

34871. At any municipal election, or special election held for that purpose, the legislative body may submit to the electors an ordinance providing for the election of members of the legislative body by districts or from districts. The term "by districts" as used in this article shall mean election of members of the legislative body by voters of the district alone. The term "from districts" shall mean election of members of the legislative body who are residents of the district from which they are elected by the voters of the entire city. "Geographical area making up the district" shall in the case of

elections by district mean the district, and in the case of elections from districts shall mean the entire city except with respect to the residence requirements imposed by Section 34883.

34872. The ordinance shall state whether there are to be five, seven, or nine districts, describe the boundaries of each, number them, and state whether members of the legislative body shall be elected by districts or from districts.

34873. An ordinance enacted pursuant to this article may be amended or repealed in the same manner; provided, the term of office of any councilman elected shall not be affected.

34874. No amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall be submitted to the electors until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

34875. The amendatory ordinance shall not be submitted to the voters if (a) one or more of the legislative districts do not close, (b) one or more entire legislative districts are eliminated prior to the termination of the term of office of the councilman of or from the district, (c) the effect is that a greater number of councilmen will be qualified to hold office concurrently than are authorized by this article or the amendatory ordinance.

34876. The planning commission of the city or, in absence of such body, the legislative body of the city shall make findings as to the matters set forth in Section 34875 by resolution within 90 days after submission of the amendatory ordinance to the city clerk. Failure to make findings shall be constituted as a finding of compliance with Section 34875.

34877. The proposition of establishing or altering legislative districts shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of _____ be elected by (or from) districts described in Ordinance No. _____,”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

34878. If a majority of the qualified electors of the city, who vote, vote in favor of the ordinance, at the expiration of the terms of office of the members of the legislative body, or as provided by ordinance, members of the legislative body shall be elected by (or from) the districts described and in the manner provided.

34879. The term of office of members of the legislative body elected pursuant to the provisions of this article shall be four years, unless otherwise expressly provided.

34880. (a) If the petition for incorporation of a city provides for the election of members of the legislative body by (or from) districts and includes substantially the provisions re-

quired to be included in an ordinance providing for such election, the members of the legislative body shall be elected in the manner provided in the petition.

(b) The members of the legislative body shall hold office until the next general municipal election. At the next general municipal election the members elected by or from the even-numbered districts shall hold office for four years and the members elected by or from the odd-numbered districts shall hold office for two years. Thereafter the term of office is four years.

34881. One member of the legislative body shall be elected by or from each district. With the possible exception as to the number of members of the legislative body, the officers of the city remain the same.

34882. A person is not eligible to hold office as a member of the legislative body unless he is otherwise qualified and has resided in the geographical area making up the district from which he is elected for 90 days next preceding the first day the legislative body is empowered to canvass the ballot.

34883. Electors signing nomination petitions or voting for a member of the legislative body shall be residents of the geographical area making up the district from which the member is to be elected.

34884. Electors signing recall petitions for, or voting for the recall of, a member of the legislative body shall be residents of the geographical area making up the district which the member is representing.

SEC. 3. Article 3 (commencing with Section 34890) is added to Chapter 7 of Part 1 of Division 2 of Title 4 of the Government Code, to read :

Article 3. Redistricting of City Legislative Body Elected by or From Districts

34890. This article applies only to general law cities electing members of the legislative body by districts or from districts, as defined in Section 34871.

34891. Following each decennial federal census, and using the census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the councilmanic districts of the city so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts the council may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

34892. The boundaries of the councilmanic districts shall be adjusted by the council before the first day of November of the year following the year in which each decennial federal census is taken.

Notwithstanding the provisions of Article 2 of this chapter, if the council fails to adjust the boundaries prior to the 90th

day before the final date for registration of electors for an election of councilmen in the city, each councilman to be elected at that election and at any succeeding election shall have the qualifications required by Section 34883, but shall be elected at large. Councilmen shall continue to be so elected until the council adjusts the boundaries of the districts.

34893. If at any time between each decennial federal census, a city annexes territory or consolidates with another city, the legislative body of the city annexing the territory or the legislative body of the consolidated city, shall reexamine the boundaries of its councilmanic districts after the first census is taken or the first current population estimates are obtained, following such annexation or consolidation.

If upon reexamination, the legislative body finds that the population of any councilmanic district has varied so that the districts no longer meet the criteria specified in Section 34891, the legislative body shall, within 60 days after such census is taken, or current population estimate received, by ordinance or resolution, adjust the boundaries of any or all of the councilmanic districts of the city so that the districts shall be as nearly equal in population as may be.

34894. Any person claiming that the estimates of population used in the redistricting pursuant to Section 34893 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. Such an action shall be brought within 30 days after the adoption of the redistricting ordinance or resolution.

34895. The council may appoint a committee composed of residents of the city to study the matter of changing the boundaries of the councilmanic districts. The committee shall make its report to the council of its findings on the need for change of boundaries, and the recommended changes by the first day of August of the year following the year in which the decennial federal census is taken. Recommendations of the committee are advisory only.

34896. (a) The term of office of any councilman who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he was elected.

(b) At the first election for councilmen in each city following adjustment of the boundaries of councilmanic districts, a councilman shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

(c) Notwithstanding any other provisions of this article, a change in the boundaries of a councilmanic district shall not be made within 90 days prior to the final date of voter registration for an election of councilmen in the city or between the municipal primary election and the general municipal election.

CHAPTER 279

An act to amend Section 692 of the Code of Civil Procedure and to amend Section 780 of the Probate Code, relating to sales of real estate.

[Approved by Governor July 2, 1970. Filed with Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 692 of the Code of Civil Procedure is amended to read:

692. Before the sale of property on execution or under power contained in any deed of trust on real property or a leasehold estate therein or any mortgage on real property or a leasehold estate therein, notice thereof must be given as follows:

1. In case of perishable property: by posting written notice of the time and place of sale in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for such time as may be reasonable, considering the character and condition of the property.

2. In case of other personal property: by posting a similar notice in three public places in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in three public places in the judicial district in which the property is to be sold, for not less than 10 days and also, not less than 10 days prior to the sale, by mailing a notice of the time and place of the sale to the judgment debtor at his business or residence address last known to the judgment creditor or his attorney or delivering such notice to the judgment debtor. It shall be the duty of the party delivering an execution to an officer for levy to furnish the information required by such levying officer to comply with the provisions of this subdivision.

3. In case of real property or a leasehold estate therein: by posting a similar notice particularly describing the property at least 20 days before the date of sale, in one public place in the city where the property is to be sold, if the property is to be sold in a city, or, if not, then in one public place in the judicial district in which the property is to be sold and publishing a copy thereof once a week for the same period, in some newspaper of general circulation published in the city in which the property or the real property in which such a leasehold estate was demised or some part thereof is situated, if any part thereof is situated in a city, if not, then in some newspaper of general circulation published in the judicial district in which the property or some part thereof is situated, or, in case no newspaper of general circulation is published in the city or judicial district, as the case may be, in some newspaper of general circulation published in the county

in which the property or some part thereof is situated; provided, that where real property is to be sold under power of sale contained in any deed of trust or under power of sale contained in a mortgage or where real property is to be sold under execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the property to be sold, at least 20 days before date of sale, and where a leasehold estate in real property is to be sold under such a power of sale or execution upon a judgment a copy of said notice shall be posted in some conspicuous place on the real property in which such a leasehold estate was demised, at least 20 days before date of sale. In addition to particularly describing the property, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the notice shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted. The term newspaper of general circulation as used herein is as defined in Article 1 (commencing with Section 6000) of Chapter 1, Division 7, Title 1 of the Government Code.

4. When the judgment under which the property is to be sold is made payable in a specified kind of money or currency, the several notices required by this section must state the kind of money or currency in which bids may be made at such sale, which must be the same as that specified in the judgment.

SEC. 2. Section 780 of the Probate Code is amended to read:

780. Notice of the time and place of sale of real property must be published pursuant to Section 6063a of the Government Code in a newspaper published in the county in which the land or some portion thereof lies, if there is one so published; if none, then in such paper as the court or judge may direct, prior to the day of sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. When, however, it appears from the inventory and appraisal that the value of the property to be sold does not exceed one thousand dollars (\$1,000), the executor or administrator may in his discretion dispense with the publication, and in lieu thereof post a notice of the time and place of sale at the courthouse of the county in which the land or some portion thereof lies for 10 days prior to the day of the sale, or, in the case of a private sale, prior to the day on or after which the sale is to be made. The property proposed to be sold must be described with particularity in the notice. In addition to describing the property with particularity, the notice shall describe the property by giving its street address, if any, or other common designation, if any; but, if a legal description of the property is given, the validity of the notice shall not be affected by the fact that the street address or other common designation recited is erroneous or that the street address or other common designation is omitted.

CHAPTER 280

An act to amend Section 31724 of the Government Code, and to add Section 14214.5 to the Education Code, relating to Public Employees Retirement.

[Approved by Governor July 2, 1970. Filed with Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14214.5 is added to the Education Code, to read:

14214.5. A member, qualified for retirement for disability under the provisions of Section 14213 because of mental incapacity, who is removed from classroom teaching duties because of such incapacity and who is not assigned other full-time duties, shall, upon his application for disability retirement, become eligible for disability retirement benefits commencing with the time his application is filed with the board, but not earlier than the day following the last day for which he received regular compensation.

When it has been demonstrated to the satisfaction of the board that the filing of the member's application was delayed by administrative oversight until after the date following the day for which the member last received regular compensation, such date will be deemed to be the date the application was filed.

SEC. 2. Section 31724 of the Government Code is amended to read:

31724. If the proof received, including any medical examination, shows to the satisfaction of the board that the member is permanently incapacitated physically or mentally for the performance of his duties in the service, it shall forthwith retire him for disability, and his disability retirement allowance shall be effective as of the date such application is filed with the board, but not earlier than the day following the last day for which he received regular compensation.

When it has been demonstrated to the satisfaction of the board that the filing of the member's application was delayed by administrative oversight until after the date following the day for which the member last received regular compensation, such date will be deemed to be the date the application was filed.

CHAPTER 281

An act to amend Section 25100.5 of the Government Code, relating to clerk of the board of supervisors.

[Approved by Governor July 2, 1970. Filed with Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25100.5 of the Government Code is amended to read:

25100.5. In any county having a population over 2,000,000, the clerk of the board of supervisors shall be appointed by the board of supervisors in the same manner as other county officers are appointed. In any county having a population over 503,000 and under 600,000 or having a population over 850,000 and under 1,000,000, according to the 1960 federal census, the clerk of the board of supervisors may be appointed by the board of supervisors in the same manner as other county officers are appointed. In such counties, the county clerk is not ex officio clerk of the board of supervisors.

The clerk of the board of supervisors shall perform those duties prescribed by law for the county clerk as ex officio clerk of the board of supervisors or for the clerk of the board of supervisors and such additional duties as the board of supervisors shall prescribe by ordinance. He may perform all the duties vested in the county clerk other than those vested in the county clerk as ex officio clerk of the superior court or registrar of voters and may take acknowledgments and administer and certify oaths in the performance of his official duties.

CHAPTER 282

An act to amend Sections 1062, 1063, and 16301 of the Education Code, relating to school districts.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1062 of the Education Code is amended to read:

1062. One school district may perform school services for another school district, and receive pay from the other school district for the performance of the school service, whenever a contract covering the performance of and the payment for school service has been entered into by and between the governing boards of the school districts concerned. Nothing contained in this section shall be construed to authorize the establishment of separate schools for pupils for any reason other than those set forth in this code.

SEC. 2. Section 1063 of the Education Code is amended to read:

1063. The governing boards of two or more school districts whose boundaries are contiguous or coterminous may enter into an agreement upon such terms and conditions as may be agreeable to the respective governing boards for the joint use and maintenance of school buildings and other school facilities.

SEC. 3. Section 16301 of the Education Code is amended to read:

16301. The governing board of any school district, constituting the governing body of an elementary district, a high school district, and a junior college district, or any two of such districts, may sell any building, structure, or other fixture, belonging to one of its respective districts to another district governed by it, for an amount to be fixed by the governing body, without advertisement for or receipt of bids or compliance with any other provisions of this code.

Whenever any property is sold under this section it shall be removed from the premises of the district selling it within 60 days from the date of the sale.

CHAPTER 283

An act to amend Sections 44 and 3100 of, and to repeal Section 657 of, the Education Code, relating to school district unification.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 44 of the Education Code is amended to read:

44. A unified school district means a district maintaining grades kindergarten or 1 through 12. A unified district may comprise territory in more than one county.

SEC. 2. Section 657 of the Education Code is repealed.

SEC. 3. Section 3100 of the Education Code is amended to read:

3100. It is the intent and purpose of the Legislature that the procedures prescribed by the provisions of this chapter and Chapter 9 (commencing with Section 3001) of this division be utilized primarily for the formation of unified school districts, and that this form of organization be ultimately adopted throughout the state. It is the further intent of the Legislature that in exercising the authority to approve master plans and plans and recommendations developed at the local level, the State Board of Education consider the boundaries of existing high school districts as the minimum geographical base for the organization of individual unified school districts, to be deviated from only in exceptional situations. The State Board of Education may approve proposals for the formation of districts based upon the division of the territory of existing high school districts, provided that the board has determined, with respect to the proposal and the resulting new districts that the following conditions are substantially met:

(a) That the new districts will be adequate in terms of number of pupils enrolled, having a projected average daily attendance of at least 10,000 by the beginning of the seventh fiscal year following the date that any such new district became effective for all purposes; provided that, if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be an average daily attendance of more than 5,000 in the year following the date that the resulting districts would become effective for all purposes, or if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in the proposed new districts is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board may approve of the formation where there will be a projected average daily attendance of more than 7,000 by the beginning of the seventh fiscal year following the date that the resulting districts become effective for all purposes.

(b) That the new districts will be adequate in terms of financial ability. For purposes of determining financial ability, the board shall consider assessed valuations per pupil. For purposes of evaluating proposals pursuant to this section, the board may give such consideration as it deems appropriate to federal funds received by a school district under the act of Congress entitled "An act to provide financial assistance for local educational agencies in areas affected by federal activities, and for other purposes," approved September 30, 1950 (Public Law 874—81st Congress) or under any similar act of Congress. Except as otherwise provided in this section, the board shall not approve of the formation of districts by division of the territory of existing high school districts, where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in any of the proposed new districts varies from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised by more than 10 percent, except that if the assessed valuation per pupil in grades kindergarten to 12, inclusive, in each and every proposed new district is greater than the statewide average assessed valuation per pupil in grades kindergarten to 12, inclusive, the board shall not approve of the formation where the assessed valuation per pupil in grades kindergarten to 12, inclusive, in any of the new districts varies by more than 15 percent from the average assessed valuation per pupil in such grades in all of the territory of which the proposed new districts are comprised.

(c) That the new districts are each organized on the basis of a substantial community identity.

(d) That the proposal will result in an equitable division of property and facilities of the original district.

(e) That the proposal and the formation of the new districts will not promote racial or ethnic discrimination or segre-

gation. The State Board of Education may secure the advice and assistance of any other public agencies concerned with intergroup relationships for purposes of making determinations under this subdivision.

The State Board of Education may approve a proposal for the formation of two or more unified districts from the territory of a high school district if the board determines that it is not practical or possible to apply the criteria of this section literally, and that the circumstances with respect to the proposals provide an exceptional situation sufficient to justify approval of the proposals.

The board may require that proposals combine the area of existing high school districts, with respect to any proposed new or reorganized districts which would not meet the requirements prescribed by Section 17672 or come within the exceptions prescribed by Section 17673.

CHAPTER 284

An act to amend Sections 221, 58941, and 59948 of the Agricultural Code, relating to the Department of Agriculture Fund.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 221 of the Agricultural Code is amended to read:

221. The "Department of Agriculture Fund," which is a special fund, is continued in existence. Any money which is directed by law to be paid into the fund shall be paid into it and, unless otherwise specifically provided, shall be expended solely for the enforcement of the law under which such money was derived. The expenditure from the fund for the enforcement of any law shall not, unless otherwise specifically provided, exceed the amount of money which is credited to the fund pursuant to such law.

All money deposited in the fund is hereby continuously appropriated to the department without regard to fiscal years for expenditure in carrying out the purposes for which the money was deposited and for making the refunds authorized by Section 302.

All money deposited in the fund under the provisions enumerated below are hereby exempted from the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

(a) Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9.

(b) Division 10 (commencing with Section 20001).

(c) Division 11 (commencing with Section 23001).

(d) Article 3 (commencing with Section 40561) of Chapter 1 of Division 16.

(e) Article 9 (commencing with Section 40931) of Chapter 2 of Division 16.

(f) Article 4 (commencing with Section 41191) of Chapter 3 of Division 16.

SEC. 2. Section 58941 of the Agricultural Code is amended to read:

58941. Notwithstanding the provisions of Article 3 (commencing with Section 241), Chapter 2, Division 1 of this code, each marketing order or agreement shall be charged the amounts which are computed by the director as required to reasonably provide for services to be rendered to such marketing orders by the department. Such amounts are subject to approval by the advisory board which is concerned, shall be included in each budget which is recommended to and approved by the director pursuant to Sections 58923 and 58924, and shall be withdrawn as required by the director and expended only for the necessary expenses which are incurred by the director in the administration of this chapter.

SEC. 3. Section 59948 of the Agricultural Code is amended to read:

59948. The proportionate amount of fees which are payable to the department shall be withdrawn from the funds monthly by the director and shall be used only for the department in carrying out its duties as required by this chapter.

CHAPTER 285

An act relating to the validation of school district acts, proceedings, and tax rates.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. All acts and proceedings heretofore taken by or on behalf of any school district under Article 3 (commencing with Section 20800) of Chapter 3 of Division 16 of the Education Code, to increase the limit on the rate of school district taxation prescribed by or pursuant to law to be levied and collected within and for support of such school district, are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such school district and of any person, public officer, board or agency heretofore done or taken upon the question of the increase in the limit on the rate of taxation.

SEC. 2. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the increase in the limit on the rate

of taxation upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches shall be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it would be barred by any presently existing valid statute of limitations.

SEC. 3. (a) This act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) This act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 4. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

CHAPTER 286

An act to amend Section 136.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provision of the State Contract Act. Whenever the total consideration of such a contract exceeds two thousand five hundred dollars (\$2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided. Posting of notice for five days in a

public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration in excess of two thousand five hundred dollars (\$2,500) shall be accompanied by labor and material bonds, except in cases of emergency rental of tools or equipment as hereafter provided. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 20 days without competitive bidding and as to such contracts not exceeding ten thousand dollars (\$10,000), the department may waive the requirements of Section 4200 of the Government Code or Section 3247 of the Civil Code.

CHAPTER 287

An act to add Section 36 to the Revenue and Taxation Code, relating to notice and communications.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 36 is added to the Revenue and Taxation Code, to read:

36. Whenever any notice or other communication is required by this code to be mailed by registered mail, the mailing of such notice or other communication by certified mail shall be deemed to be sufficient compliance with the requirements of law.

CHAPTER 288

An act to add Section 3057 to the Business and Professions Code, relating to optometrists.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3057 is added to the Business and Professions Code, to read:

3057. Notwithstanding any other provision of this chapter, the board shall permit a person who meets all the following

requirements to take the examination for a certificate of registration as an optometrist:

- (a) Is over the age of 21 years.
- (b) Is of good moral character.
- (c) Is a citizen of the United States.
- (d) Has a degree as a doctor of optometry issued by a school located in another state that was not accredited by the board at the time of the issuance of the degree and that was subsequently merged into a school that is so accredited at the time of application.
- (e) Has been licensed to practice optometry in the state in which the school from which he graduated is located.
- (f) Pays the fee specified in subdivision (b) of Section 3152.
- (g) Has been a resident of California for five years at the time of the application.

The provisions of this section shall be operative until December 31, 1972, and thereafter shall have no force or effect.

CHAPTER 289

An act to amend Section 320 of the Vehicle Code, relating to places of business.

[Approved by Governor July 2, 1970 Filed with
Secretary of State July 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 320 of the Vehicle Code is amended to read:

320. "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile dismantler or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer, manufacturer or automobile dismantler have a display, manufacturing or wrecking area, situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single or multiple unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, automobile dismantler or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A li-

censee issued an occupational license by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business involving vehicles or their component parts. The place of business shall be open to inspection of the premises, pertinent records and vehicles by any peace officer during business hours.

CHAPTER 290

An act to amend Section 46604 of the Agricultural Code, relating to markings on containers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1970. Filed with
Secretary of State July 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 46604 of the Agricultural Code is amended to read:

46604. Except as otherwise provided in this section, every container of loose cherries shall be marked in numbers and letters at least three-eighths of an inch in height with one of the following:

(a) The row size of the cherries in the container followed by the term "row size." No row size marking is, however, permitted for containers of 16-row size and smaller in the Tartarian variety of cherries and 15-row size and smaller in the Bing variety of cherries.

(b) The "minimum diameter" of the cherries in the container expressed in inches or fractions of an inch, followed by the term "inch minimum diameter," "inches minimum diameter," or a proper abbreviation or variation of such designation. No inch minimum diameter marking is, however, permitted for containers of 46/64-inch minimum diameter cherries and smaller in the Tartarian variety of cherries and 49/64-inch minimum diameter cherries and smaller in the Bing variety of cherries.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to make this act applicable to the 1970 harvest season for cherries, it is imperative that this act go into immediate effect.

CHAPTER 291

An act directing the transfer of the real property of the Modesto State Hospital facility, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 2, 1970. Filed with Secretary of State July 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. To accomplish a public purpose of the state, the Director of General Services is hereby authorized and directed to quitclaim all interests of the state, except those expressly reserved for state use as provided in Section 3, in the real property, and appurtenances thereto, of the Modesto State Hospital facility, subject to the terms and conditions of Sections 4 and 5.

SEC. 2. The transfer authorized by Section 1 of this act shall be made to the County of Stanislaus and the Yosemite Junior College District, at no cost to the county or district, in a manner agreeable to both the county and the district, provided that, as nearly as possible, 35 percent of the property shall be transferred to the county and 65 percent to the district.

SEC. 3. 30.19 acres of the facility subject to the provisions of this act and the appurtenances thereto, shall be reserved to the state without limitation, provided, however, that the buildings, expensive machinery and facilities shall be adequately maintained and not allowed to sit idle. The 30.19 acres reserved to the state are described, by a legal description proposed by the Department of General Services, as follows: All that property situated in the County of Stanislaus, State of California, being a portion of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, more particularly decribed as follows: Beginning at the Southwest corner of the Northeast one-quarter of said section 24 and running thence North 00° 30' 45" West 10.00 feet along the West line of said Northeast one-quarter; thence South 89° 05' 00" West 325.07 feet on a line parallel with and distance 10.00 feet northerly of the South line of the Northwest one-quarter of said Section 24; thence North 00° 55' 00" West 1296.34 feet; thence North 89° 05' 00" East 1009.23 feet parallel to said South line of the Northwest one-quarter of Section 24; thence South 00° 55' 00" East 1306.14 feet to a point on the South line of said Northeast one-quarter of Section 24; thence along said South line of said Northeast one-quarter South 89° 04' 00" West 684.23 feet to the point of beginning. Said parcel containing 30.19 acres, more or less.

SEC. 4. In the event either the county or district ceases to use for public purpose the property transferred to either the college or the district, or both, by this act, the property shall revert to the state.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is imperative in terms of maintenance and operation of expensive machinery and facilities that the machinery and facilities not be allowed to sit idle.

CHAPTER 292

An act to amend Section 31204 of the Education Code, relating to state scholarships, and making an appropriation therefor.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available for the fiscal years 1968-1969, 1969-1970, and 1970-1971 such scholarships in an amount equal to 2 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

There shall be available for the fiscal year 1971-1972 and for each fiscal year thereafter such scholarships in an amount equal to 3 percent of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship and Loan Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California state scholarship program.

(b) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (a), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and Assembly district.

No award shall be canceled because of change of residence of an award winner within the state.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of sixty-one thousand seven hundred forty-three dollars (\$61,743) for the purposes of carrying out the provisions of Chapter 3 (commencing with Section 31201) of Division 22 of the Education Code.

CHAPTER 293

An act to amend Section 1510 of the Probate Code, relating to funds of minors.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1510 of the Probate Code is amended to read:

1510. If the court approves a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim for damages, money or other property, or approves a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or gives judgment for such a person, and the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed ten thousand dollars (\$10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court, in its discretion, may require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be deposited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon the order of the court, or it may require a guardian of the estate to be appointed and the money or the other property to be paid or delivered to such guardian, or prescribe such other conditions as the court in its discretion deems to the best interests of the minor, or insane or incompetent person; provided, however, that if the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment does not exceed one thousand dollars (\$1,000), and such money or property is to be paid or delivered for the benefit of a minor, the court may direct that all or any part of the money or the property be paid or delivered to a parent of the minor, without bond, upon the terms and under the conditions specified in Section 1430 of the Probate Code. If the money or the value of other property to be paid or delivered under such compromise, covenant, order or judgment exceeds ten thousand dollars (\$10,000), and there is no guardian of the estate of the minor, or insane or incompetent person, such court shall require a guardian of the estate to be appointed and shall direct that the money or the other property be paid or delivered to the guardian, or in lieu of the appointment of a guardian of the estate, shall require that the remaining balance of any money paid or to be paid under such compromise, covenant, order or judgment, after payment of all expenses, costs and fees as approved and allowed by the court, be de-

posited in a bank or banks, or a trust company or companies, or be invested in an account or accounts in an insured savings and loan association or associations, subject to withdrawal only upon order of the court, and as to other property to be paid or delivered, the court shall prescribe such conditions as it may deem to the best interests of the minor, or insane or incompetent person.

Notwithstanding any other provision of law, including Section 25 of the Civil Code, upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, in any case to which this section applies, the court making the order or giving judgment, and as a part thereof, may expressly retain jurisdiction of any part or all of the money paid, delivered, deposited, or invested until the minor reaches the age of 21 years.

Upon approval of a compromise of, or the execution of a covenant not to sue on, a minor's disputed claim, or approval of a compromise of a pending action or proceeding to which a minor, or insane or incompetent person is a party, or giving judgment for such a person, providing for the payment or delivery of money or other property, the court making the order or giving judgment, and as a part thereof, shall make a further order authorizing and directing a parent of the minor or guardian of the minor, or insane or incompetent person, or the payer of any money to be paid for the benefit of such person, to pay, from the money or other property to be paid or delivered, such reasonable expenses (medical or otherwise and including reimbursement to a parent or guardian), costs and attorney's fees as the court shall approve and allow therein. The remaining balance of such money or other property shall be paid, delivered or deposited as hereinabove provided.

The term "account in an insured savings and loan association" used in this section means shares issued by a federal savings and loan association, or investment certificates issued by a state-chartered building and loan association or savings and loan association doing business in this state which is an "insured institution" as defined in Title IV of the National Housing Act, or shares issued by a state-chartered building and loan association or savings and loan associations doing business in this state which does not issue investment certificates and which is an "insured institution" as defined in Title IV of the National Housing Act.

Where reference is made in this section to "guardian of the estate" such reference shall be deemed to include "conservator of the estate," and reference to "incompetent person" shall be deemed to include "a person for whom a conservator may be appointed."

CHAPTER 294

An act to amend Section 56 of the Elections Code, relating to reapportionment.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 56 of the Elections Code is amended to read:

56. The county clerk in each county shall compile and make available to the Legislature or any appropriate committee of the Legislature such information and statistics as may be necessary for use in connection with the reapportionment of legislative districts, including, but not limited to, precinct maps indicating the boundaries of municipalities, school districts, judicial districts, Assembly districts, senatorial districts and congressional districts, and lists showing the election returns for each precinct in the county at the last three statewide elections held prior to reapportionment.

CHAPTER 295

An act to add Section 107.4 to the Revenue and Taxation Code, relating to possessory interests.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 107.4 is added to the Revenue and Taxation Code, to read:

107.4. For purposes of Section 107, "possessory interest" shall not include the possession of, claim to, or right to the possession of any berth, wharf, dock, pier, or similar harbor facility owned by a city, city and county, county, or harbor or port district, if such possession, claim, or right is granted for nonexclusive use of such berth, wharf, dock, pier, or similar harbor facility. Any nonexclusive possession, claim, or right described in this section shall not be subject to property taxation.

If the possession of, claim to, or right to the possession of, any such berth, wharf, dock, pier, or similar harbor facility is, in fact, exclusive, it shall be subject to property taxation, regardless of the manner in which such possession, claim, or right is created.

SEC. 2. The provisions of this act shall be operative on and after the lien date in 1971.

CHAPTER 296

An act to add Section 3005.5 to the Fish and Game Code, relating to wild game and birds.

[Approved by Governor July 3, 1970 Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3005.5 is added to the Fish and Game Code, to read:

3005.5. It is unlawful to capture any game mammal, game bird, or protected nongame bird, or to possess or confine any live game mammal, game bird, or protected nongame bird taken from the wild, except as provided by this code or regulations made pursuant thereto. Any bird or mammal possessed or confined in violation of this section shall be seized by the department.

The commission may promulgate regulations permitting the temporary confinement of game mammals, game birds, or protected nongame birds for the purpose of treating such animals, if injured or diseased.

CHAPTER 297

An act to amend Section 11587 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 3, 1970 Filed with
Secretary of State July 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11587 of the Business and Professions Code is amended to read:

11587. Signatures required by this article, of parties owning the following types of interests, may be omitted if their names and the nature of their respective interests are endorsed on the map:

(a) Rights-of-way, easements or other interests, none of which can ripen into a fee and which signatures are not required by the governing body, except those of a public entity or public utility which has previously acquired an easement unless it is determined by the governing body that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the easement by the owner thereof.

(b) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signatures it is impossible or impractical to obtain. In this case a reasonable statement of the circumstances preventing the procurement of the signatures shall also be endorsed on the map.

(c) Interests in or rights to minerals, including but not limited to oil, gas, or other hydrocarbon substances, if (1) the ownership of such interests or rights does not include a right of entry on the surface of the land, or (2) the use of the land, or the surface thereof, in connection with the ownership of such interests or rights is prohibited by zoning or other governmental regulations of the governing body and the signatures of the owners of such interests or rights are waived by the governing body.

CHAPTER 298

An act to amend Section 219 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 3, 1970. Filed with Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 219 of the Revenue and Taxation Code is amended to read:

219. Business inventories shall be assessed for taxation at the same ratio of assessed to full cash value as the ratio specified in Section 401. After such property has been so assessed, 30 percent of the assessed value of such property shall be exempt from taxation for the 1970-1971 and the 1971-1972 fiscal years, and such exemption shall be indicated on the assessment roll. After such property has been so assessed for the lien date in 1972 and on each lien date thereafter, 15 percent of the assessed value of such property shall be exempt from taxation, and such exemption shall be indicated on the assessment roll. The county assessor shall notify the auditor of the total assessed value of the exempt property within each city, district and revenue district wholly or partially within the county. The exemption provided for in this section shall not apply to business inventories assessed as escaped property under the provisions of Sections 531.3, 531.4 or 531.5. The board shall prescribe all procedures and forms required to carry this exemption into effect and to insure accurate data for reimbursement calculations.

In carrying out the duties imposed by this section, the board shall certify to the auditor of each county in which is located a chartered city which assesses property for city tax purposes, the ratio which the auditor shall use to factor the county roll in order to compute the amount of such city's reimbursement. The ratio certified shall be the same ratio used by the board in connection with public utility property on the board roll.

Where a city transfers the assessing and tax collecting functions to the county but continues to assess and collect unsecured taxes for one additional year, the county auditor, in computing the city's reimbursement for the business inventory

exemption, shall factor the exempt inventory value on the county unsecured roll with tax situs in the city by the ratio used by the board in the prior year in preparing the board roll for the city.

CHAPTER 299

An act to amend Section 40510 of the Vehicle Code, relating to vehicle offenses.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 40510 of the Vehicle Code is amended to read:

40510. The defendant may, prior to the date upon which he promised to appear, deposit bail with the magistrate or the person authorized to receive a deposit of bail.

For any offense which is not declared to be a felony, such deposit of bail may be by the personal check of the person who has signed a written promise to appear, if he furnishes to the person authorized to receive a deposit of bail satisfactory evidence of residence in this state and if such personal check is drawn on a banking institution located in this state.

CHAPTER 300

An act to add Sections 11580.05, 11580.06, 11580.1, 11580.8, and 11580.9 to, and to repeal Sections 11580.1 and 11580.9 of, the Insurance Code, relating to insurance.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.05 is added to the Insurance Code, to read:

11580.05. The Legislature declares that the public policy of this state in regard to provisions authorized or required to be included in policies affording automobile liability insurance or motor vehicle liability insurance issued or delivered in this state shall be as stated in this article, and that this article expresses the total public policy of this state respecting the content of such policies. In this connection, the Legislature further declares that it is the intent of the Legislature that the requirements set forth in Article 2 (commencing with Section 16450) of Chapter 3 of Division 7 of the Vehicle Code shall apply only to an owner's policy or operator's policy of liability insurance certified as provided in Section 16431 of the

Vehicle Code as proof of ability to respond in damages, and that the requirements set forth in Article 4 (commencing with Section 11620) of Chapter 1 of Part 3 of Division 2 of the Insurance Code shall apply only to automobile liability insurance policies issued under the California Assigned Risk Plan. Any other policy issued or delivered in this state affording liability insurance with respect to ownership, maintenance, or use of a motor vehicle shall comply with the requirements set forth in Sections 11580, 11580.1, and 11580.2.

SEC. 2. Section 11580.06 is added to the Insurance Code, to read:

11580.06. Except as may be otherwise provided in this article:

(a) The term "motor vehicle" means any vehicle designed for use principally upon streets and highways and subject to motor vehicle registration under the laws of this state.

(b) The term "insured" shall include the person or persons to whom any policy subject to this article is issued as named insured and any other person to whom coverage is afforded under the terms of any such policy.

(c) The term "bodily injury" shall include sickness or disease, including death resulting therefrom.

SEC. 3. Section 11580.1 of the Insurance Code is repealed.

SEC. 4. Section 11580.1 is added to the Insurance Code, to read:

11580.1. (a) No policy of automobile liability insurance described in Section 16057 of the Vehicle Code covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in this state on or after the effective date of this section unless it contains the provisions set forth in subdivision (b). However, none of the requirements of subdivision (b) shall apply to the insurance afforded under any such policy (1) to the extent that such insurance exceeds the limits specified in subdivision (a) of Section 16059 of the Vehicle Code, or (2) if such policy contains an underlying insurance requirement, or provides for a retained limit of self-insurance, equal to or greater than the limits specified in subdivision (a) of Section 16059 of the Vehicle Code.

(b) Every policy of automobile liability insurance to which subdivision (a) applies shall contain all of the following provisions:

(1) Coverage limits not less than the limits specified in subdivision (a) of Section 16059 of the Vehicle Code.

(2) Designation by explicit description of, or appropriate reference to, the motor vehicles or class of motor vehicles to which coverage is specifically granted.

(3) Designation by explicit description of the purposes for which coverage for such motor vehicles is specifically excluded.

(4) Provision affording insurance to the named insured with respect to any motor vehicle covered by such policy, and to the same extent that insurance is afforded to the named in-

sured, to any other person using, or legally responsible for the use of, such motor vehicle, provided such use is by the named insured or with his permission, express or implied, and within the scope of such permission, except that: (i) with regard to insurance afforded for the loading or unloading of any such motor vehicle, the insurance may be limited to apply only to the named insured, a relative of the named insured who is a resident of the named insured's household, a lessee or bailee of the motor vehicle, or an employee of any such person; and (ii) the insurance afforded to any person other than the named insured need not apply to: (A) any employee with respect to bodily injury sustained by a fellow employee injured in the scope and course of his employment, or (B) any person, or to any agent or employee thereof, employed or otherwise engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles with respect to any accident arising out of the maintenance or use of a motor vehicle in connection therewith.

(c) In addition to any exclusion as provided in paragraph (3) of subdivision (b), the insurance afforded by any such policy of automobile liability insurance to which subdivision (a) applies may, by appropriate policy provision, be made inapplicable to any or all of the following:

- (1) Liability assumed by the insured under contract.
- (2) Liability for bodily injury or property damage caused intentionally by or at the direction of the insured.
- (3) Liability imposed upon or assumed by the insured under any workmen's compensation law.
- (4) Liability for bodily injury to any employee of the insured arising out of and in the course of his employment.
- (5) Liability for bodily injury to an insured.
- (6) Liability for damage to property owned, rented to, transported by, or in charge of, an insured.
- (7) Liability for any bodily injury or property damage with respect to which insurance is or can be afforded under a nuclear energy liability policy.

(8) Any motor vehicle or class of motor vehicles, as described or designated in the policy, with respect to which coverage is explicitly excluded, in whole or in part.

The term "the insured" as used in paragraphs (1), (2), (3), and (4) of this subdivision shall mean only that insured under the policy against whom the particular claim is made or suit brought. The term "an insured" as used in paragraphs (5) and (6) of this subdivision shall mean any insured under the policy.

(d) Notwithstanding the provisions of paragraph (4) of subdivision (b), or the provisions of Article 2 (commencing with Section 16450) of Chapter 3 of Division 7, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9, of the Vehicle Code, the insurer and any named insured may, by the terms of any policy of automobile liability insurance to which subdivision (a) applies, or by a separate writing relat-

ing thereto, agree as to either or both of the following limitations, such agreement to be binding upon every insured to whom such policy applies and upon every third party claimant:

(1) That coverage under such policy shall not apply nor accrue to the benefit of the insured or any third party claimant while any insured motor vehicle is being used by a natural person or persons designated by name.

(2) That with regard to any such policy issued to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing automobiles, coverage shall not apply to any person other than the named insured or his agent or employee, except to the extent that the limits of liability of any other valid and collectible insurance available to such person are not equal to the limits of liability specified in subdivision (a) of Section 16059 of the Vehicle Code.

(e) Nothing in this section or in Section 16057 or 16450 of the Vehicle Code shall be construed to constitute a homeowner's policy, personal and residence liability policy, personal and farm liability policy, general liability policy, comprehensive personal liability policy, manufacturers' and contractors' policy, premises liability policy, special multiperil policy, or any policy or endorsement where automobile liability coverage is offered as incidental to some other basic coverage as an "automobile liability policy" within the meaning of Section 16057 of the Vehicle Code, or as a "motor vehicle liability policy" within the meaning of Section 16450 of the Vehicle Code, notwithstanding that any such policy may provide automobile or motor vehicle liability coverage on insured premises or the ways immediately adjoining.

SEC. 5. Section 11580.8 is added to the Insurance Code, to read:

11580.8. The Legislature declares it to be the public policy of this state to avoid so far as possible conflicts and litigation, with resulting court congestion, between and among injured parties, insureds, and insurers concerning which, among various policies of liability insurance and the various coverages therein, are responsible as primary, excess, or sole coverage, and to what extent, under the circumstances of any given event involving death or injury to persons or property caused by the operation or use of a motor vehicle.

The Legislature further declares it to be the public policy of this state that Section 11580.9 of the Insurance Code expresses the total public policy of this state respecting the order in which two or more of such liability insurance policies covering the same loss shall apply, and such public policy is not to be changed or modified by any provision of the Vehicle Code except in those express cases where the requirements of Article 2 (commencing with Section 16450) of Chapter 3 of Division 7 of the Vehicle Code apply with regard to a policy

of liability insurance certified as provided in Section 16431 of the Vehicle Code.

SEC. 6. Section 11580.9 of the Insurance Code is repealed.

SEC. 7. Section 11580.9 is added to the Insurance Code, to read:

11580.9. (a) Where two or more policies affording valid and collectible automobile liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, and one of such policies affords coverage to a named insured engaged in the business of selling, repairing, servicing, delivering, testing, road-testing, parking, or storing motor vehicles, then both of the following shall be conclusively presumed:

(1) If, at the time of loss, the motor vehicle is being operated by any person engaged in any of such businesses, or by his employee or agent, the insurance afforded by the policy issued to the person engaged in such business shall be primary, and the insurance afforded by any other policy shall be excess.

(2) If, at the time of loss, the motor vehicle is being operated by any person other than as described in paragraph (1), the insurance afforded by the policy issued to any person engaged in any of such businesses shall be excess over all other insurance available to such operator as a named insured or otherwise.

(b) Where two or more policies are applicable to the same loss, and one of such policies affords coverage to a named insured engaged in the business of renting or leasing commercial vehicles without operators, as the term "commercial vehicles" is used in Section 260 of the Vehicle Code, or the leasing of any other motor vehicle for six months or longer, it shall be conclusively presumed that the insurance afforded by such policy to a person other than the named insured or his agent or employee shall not be primary, but shall be excess over any other valid and collectible insurance applicable to the same loss covering such person as a named insured or as an additional insured under a policy with limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code; and, in such event, the two or more policies shall not be construed as providing concurrent coverage, and only that policy which covers the liability of such person as a named insured, or as an agent or employee of a named insured, shall be primary and the other policy or policies shall be excess.

(c) Where two or more policies are applicable to the same loss arising out of the loading or unloading of a motor vehicle, and one or more of the policies is issued to the owner, tenant, or lessee of the premises on which the loading or unloading occurs, it shall be conclusively presumed that the insurance afforded by the policy covering the motor vehicle shall not be primary, notwithstanding anything to the contrary in any endorsement required by law to be placed on such policy, but shall be excess over all other valid and collectible insurance

applicable to the same loss with limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code; and, in such event, the two or more policies shall not be construed as providing concurrent coverage, and only the insurance afforded by the policy or policies covering the premises on which the loading or unloading occurs shall be primary and such policy or policies shall cover as an additional insured with respect to the loading or unloading operations all employees of such owner, tenant, or lessee while acting in the course and scope of their employment.

(d) Except as provided in subdivisions (a), (b), and (c), where two or more policies affording valid and collectible liability insurance apply to the same motor vehicle in an occurrence out of which a liability loss shall arise, it shall be conclusively presumed that the insurance afforded by that policy in which such motor vehicle is described or rated as an owned automobile shall be primary and the insurance afforded by any other policy or policies shall be excess.

(e) Any insurance policy which, under the terms of subdivisions (a) to (d), inclusive, applies as excess coverage may provide with respect to any loss to which primary insurance is not valid and collectible in whole or in part, such excess policy shall apply only to the extent necessary to provide the insured with coverage limits at least equal to the limits specified in Section 16059 of the Vehicle Code.

(f) The presumptions stated in subdivisions (a) to (d), inclusive, may be modified or amended only by written agreement signed by all insurers who have issued a policy or policies applicable to a loss described in such subdivisions and all named insureds under such policies.

SEC. 8. This act shall only apply to insurance policies issued or renewed on or after the effective date of this act.

CHAPTER 301

An act to amend Section 826 of the Insurance Code, relating to insurance.

[Approved by Governor July 3, 1970 Filed with
Secretary of State July 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 826 of the Insurance Code is amended to read:

826. "Insurer" for the purposes of this article includes every organization organized for the purpose of assuming the risk of loss under contracts of insurance or reinsurance, and also includes any of the following organizations:

- (a) An admitted insurer,
- (b) A nonadmitted domestic insurer,

- (c) A nonadmitted foreign insurer,
- (d) A nonadmitted alien insurer,
- (e) An underwritten title company, or an organization organized for the purpose of doing an underwritten title business, whether licensed or not, and
- (f) An attorney in fact of a reciprocal or interinsurance exchange, whether it be admitted or not, or an organization organized for the purpose of acting as the attorney in fact of a reciprocal, or interinsurance exchange, whether the same be admitted or not.

“Insurer” shall not include, unless specified in subdivisions (a) through (f), inclusive, an organization, which though required to obtain a certificate or license from the commissioner, is organized or to be organized primarily for purposes other than assuming the risk of loss under contracts or agreements of insurance.

The amendments of this section by the Legislature at the 1965 Regular Session, except as they relate to underwritten title companies, attorneys in fact, and exclusive managers, shall be construed as a restatement and continuation of the law existing prior to such amendment. Every permit issued by the commissioner or the Commissioner of Corporations to an insurer as defined in this section prior to its amendment by the Legislature at 1965 Regular Session shall be valid and effective for all purposes stated therein, from the date of its issuance until the date of expiration stated therein.

Every permit issued by the commissioner under the authority of former subdivision (g) of this section from the date such subdivision became effective in 1965 until the effective date of the amendment to this section at the 1970 Regular Session of the Legislature shall be valid and effective for all purposes stated therein, from the date of its issuance until the expiration date specified therein.

CHAPTER 302

An act to amend Section 2118 of the Fish and Game Code, relating to restricted live, wild animals.

[Approved by Governor July 3, 1970. Filed with
Secretary of State July 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2118 of the Fish and Game Code is amended to read:

2118. It is unlawful to import, transport, possess, or release alive into this state, except under a permit as provided in this chapter and the regulations pertaining thereto, any wild animal of the following species:

- (a) Class Aves: (birds)
 - Family Cuculidae (cuckoos)
 - All species
 - Family Alaudidae (larks)
 - Skylark, *Alauda arvensis*
 - Family Corvidae (crows, jays, magpies)
 - All species
 - Family Turdidae (thrushes)
 - European blackbird, *Turdus merula*
 - Missel (or mistle), thrush, *Turdus viscivorus*
 - Family Sturnidae (starlings and mynas or mynahs)
 - All species of the family, except hill myna (or hill mynah), *Gracula religiosa* (sometimes referred to as *Eulabes religiosa*)
 - Family Ploceidae (weavers)
 - The following species:
 - Spanish sparrow, *Passer hispaniolensis*
 - Italian sparrow, *Passer italiae*
 - European tree sparrow, *Passer montanus*
 - Cape sparrow, *Passer capensis*
 - Madagascar weaver, *Foudia madagascariensis*
 - Baya weaver, *Ploceus baya*
 - Hawaiian rice bird, *Munia nitoria*
 - Red-billed quelea, *Quelea quelea*
 - Red-headed quelea, *Quelea erythrops*
 - Family Fringillidae (sparrows, finches, buntings)
 - Yellowhammer, *Emberiza citrinella*
- (b) Class Mammalia (mammals)
 - Family Didelphidae (opossums)
 - All species
 - Family Leporidae (rabbits, hares)
 - All species, except domesticated races of rabbits.
 - Family Cricetidae (hamsters, field mice, voles)
 - All species, except laboratory-reared golden hamsters, also known as Syrian hamster, *Mesocricetus auratus*.
 - Family Muridae (mice, rats)
 - All species, except domesticated races (white or albino) of rats and mice.
 - Family Geomyidae (pocket gophers)
 - All species
 - Family Sciuridae (squirrels, woodchucks)
 - All species
 - Family Dasyproctidae (agoutis)
 - All species
 - Family Procyonidae (raccoons, coatis)
 - All species
 - Family Mustelidae (weasels, ferrets)
 - All species
 - Family Viverridae (civets, mongooses)
 - All species

- Family Talpidae (moles)
 - All species
- Family Pteropodidae (flying foxes or fruit bats)
 - All species
- Family Desmodontidae (true vampire bats)
 - All species
- Family Cervidae (deer, elk, moose)
 - All species
- Family Bovidae (cattle, buffaloes, bison, sheep, goats, gazelles, Old World and African antelopes)
 - All species, except domesticated cattle, sheep, goats, and the races of big-horned sheep (*Ovis canadensis*) now or formerly indigenous to this state
- Family Tayassuidae (peccaries)
 - All species
- Family Suidae (swine)
 - All species, except domesticated swine
- (c) Class Amphibia (frogs, toads, salamanders)
 - Family Bufonidae (toads)
 - Giant toad or marine toad, *Bufo marinus*
- (d) Class Monorhina (lampreys)
 - All species
- (e) Class Osteichthyes (bony fishes)
 - Family Serranidae (bass)
 - White perch, *Morone* or *Roccus americana*
 - Family Clupeidae (herring)
 - Gizzard shad, *Dorosoma cepedianum*
 - Family Sciaenidae (croakers)
 - Freshwater sheepshead, *Aplodinotus grunniens*
 - Family Characidae (characins)
 - Banded tetra, *Astyanax fasciatus*
 - All species of piranhas
 - Family Lepisosteidae (gars)
 - All species
 - Family Amiidae (bowfins)
 - All species
- (f) Class Reptilia (snakes, lizards, turtles, alligators)
 - Family Crocodilidae
 - All species
- (g) Class Crustacea (crustaceans)
 - Genus *Cambarus* (crayfishes)
 - All species
 - Genus *Astacus* (crayfishes)
 - All species
 - Genus *Astacopsis* (crayfishes)
 - All species
- (h) Class Gastropoda (slugs, snails, clams)
 - All species of slugs
 - All species of land snails
- (i) Such other classes, orders, families, genera, and species of wild animals which may be designated by the commission in cooperation with the State Department of Agriculture,

when such class, order, family, genus or species is proved undesirable and a menace to native wildlife or the agricultural interests of the state.

(j) Classes, families, genera, and species in addition to those listed above may be added to or deleted from the above lists from time to time by commission regulations in cooperation with the Department of Agriculture.

CHAPTER 303

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 4, 1970. Filed with Secretary of State July 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1970."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1970-71 fiscal year beginning July 1, 1970, and ending June 30, 1971. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item	Amount
1—For salaries of Senators	\$715,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate.....	1,500
3—For expenses of Members of the Senate.....	243,000
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative com-	

Item	Amount
mittees thereof composed in whole or in part of Members of the Senate, to be transferred by the State Controller to the Senate Contingent Fund -----	6,145,900
5—For salaries of Assemblymen -----	1,428,000
6—For mileage of Assemblymen and statutory officers of the Assembly -----	4,000
7—For expenses of Members of the Assembly----	486,000
8—For contingent expenses of the Assembly including personal services for officers, clerks, and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly, to be transferred by the State Controller to the Assembly Contingent Fund -----	9,265,525
9—For expenses of Joint Legislative Committee for the Revision of the Penal Code-----	193,262
10—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders -----	1,000
to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	
11—To the Joint Committee on Legislative Organization for payment of the state's contribution to the National Advisory Commission on Intergovernmental Relations -----	5,000
12—For legislative printing, binding, mailing and other necessary expenses; and in addition thereto, any amounts received from the sale of legislative publications -----	2,650,000
13—For the expenses of joint committees and their members and for any charges, expenses, or claims they may incur, to be transferred by the State Controller to the Contingent Funds of the Assembly and Senate, available without regard to fiscal years, to be paid on certification of chairman of the committees to which allocations have been made by statute or concurrent resolution or by resolution of the Joint Rules Committee -----	3,755,000
14—For support of Legislative Counsel Bureau Schedule:	1,774,549
(a) Personal Services -----	1,731,098
(b) Operating Expenses and Equipment -----	104,551
(c) Reimbursements -----	-61,100
15—For support of California Law Revision Commission -----	162,818
16—For support of California Commission on Uniform State Laws -----	15,400

Item	Amount
17—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code-----	550,000

JUDICIAL

18—For support of Supreme Court of California, Courts of Appeal and Judicial Council of California ----- provided, that the funds appropriated in this item may be allocated or reallocated between them by order of the Judicial Council subject to being reported to the Director of Finance.	7,960,029
19—For support of Judicial Council, for implementing uniformity and consistence of procedure in traffic courts, payable from the Motor Vehicle Fund, to be expended only upon receipt of an equal amount from the federal government -----	11,856
20—For support of Commission on Judicial Qualifications -----	42,277

EXECUTIVE

21—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) -----	1,517,188
22—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)-----	17,400
22.1—For rental of Governor's residence----- provided, that funds appropriated by this item shall be expended in amounts of not to exceed \$1,250 each month to be made available until such time as the state provides a new residence for the Governor.	15,000
23—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code) -----	15,000
24—For support of Business and Transportation Agency, payable from the Motor Vehicle Fund -----	110,000
Schedule:	
(a) Personal Services -----	86,121
(b) Operating Expenses and Equipment -----	23,879

Item	Amount
25—For support of Human Relations Agency— Schedule:	152,725
(a) Personal Services -----	112,150
(b) Operating Expenses and Equipment -----	40,575
provided that, any rule or regulation adopted by the Secretary of the Human Relations Agency during the 1970-71 fiscal year which results in additional cost to the state shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance.	
26—For support of Resources Agency ----- Schedule:	196,364
(a) Personal Services -----	140,826
(b) Operating Expenses and Equipment -----	55,538
27—For support of Agriculture and Services Agency ----- Schedule:	100,573
(a) Personal Services -----	83,804
(b) Operating Expenses and Equipment -----	16,769
28—For support of Office of Intergovernmental Management in the Governor's Office ----- and in addition thereto, any amounts re- ceived from federal grants or other sources.	40,000
29—For support of California Disaster Office, California State Disaster Council and ad- visory committees ----- and in addition, any amounts received from federal grants or other sources shall be avail- able for expenditure in accordance with the provisions of this item. Schedule:	934,000
(a) Personal Services -----	1,143,813
(b) Operating Expenses and Equipment -----	796,066
(c) Reimbursements -----	-306,979
(d) Federal grants -----	-698,900
30—For support of Lieutenant Governor ----- Schedule:	229,200
(a) Personal Services -----	184,600
(b) Operating Expenses and Equipment -----	44,600
31—For support of Council on Intergovern- mental Relations -----	119,400
33—For support of State Environmental Quality Study Council -----	80,934
34—For support of Intergovernmental Board on Electronic Data Processing -----	10,000

Item	Amount
35—For support of Commission of the Californias -----	36,598
36—For support of Office of Management Services Schedule:	622,533
(a) Personal Services -----	494,155
(b) Operating Expenses and Equipment -----	147,048
(c) Reimbursements -----	-18,670
37—For support of California Advisory Commission on Marine and Coastal Resources, as provided by Sections 8800 through 8827 of the Government Code -----	57,384
38—For support of State Office of Planning -----	80,000
Schedule:	
(a) Personal Services -----	56,000
(b) Operating Expenses and Equipment -----	24,000
GENERAL ADMINISTRATION	
39—For support of State Board of Control -----	117,486
40—For support of Board of Administration of the Public Employees' Retirement System, to be transferred by the State Controller to Item 41, Budget Act of 1970 -----	18,000
41—For support of Board of Administration of the Public Employees' Retirement System, payable from the Public Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code -----	3,330,380
Schedule:	
(a) Personal Services -----	3,085,966
(b) Operating Expenses and Equipment -----	1,533,563
(c) Reimbursements -----	-807,421
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 42) -----	-463,728
(e) Amount payable from General Fund (Item 40) -----	-18,000
42—For support of Board of Administration of the Public Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code -----	463,728
43—For support of Department of General Services -----	5,626,702
Schedule:	
(a) Personal Services -----	19,209,592
(b) Operating Expenses and Equipment -----	5,866,983

Item	Amount
(c) Reimbursements -----	18,542,990
(d) Amount payable from the State School Building Aid Fund (Item 44) -----	906,883
44—For support of Department of General Services, payable from the State School Building Aid Fund-----	906,883
45—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.	
45.5—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund or any special fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of reproduction equipment and provided any funds in the Service Revolving Fund may be used to purchase reproduction equipment from special funds of the state at the depreciated value of the equipment at the time of purchase, payable at the option of the Service Revolving Fund over the remaining depreciation period.	
46—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund-----	17,800,000
Schedule:	
(a) Personal Services -----	8,284,099
(b) Operating Expenses and Equipment -----	9,515,901
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	

Item	Amount
47—For expenditure by Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing -----	20,212,214
Schedule:	
(a) Personal Services -----	5,261,729
(b) Operating Expenses and Equipment -----	14,950,485
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
47.1—For expenditure by Department of General Services for a shared computer facility payable from the Service Revolving Fund -----	1,114,131
Schedule:	
(a) Personal Services -----	696,296
(b) Operating Expenses and Equipment -----	417,835
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.	
48—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Architecture Revolving Fund, for the purposes specified in Section 14957 of the Government Code -----	6,903,680
Schedule:	
(a) Personal Services -----	5,773,077
(b) Operating Expenses and Equipment -----	1,189,250
(c) Reimbursements -----	-58,647
provided, that any balances in the Architecture Revolving Fund continue to be appropriated by and subject to Section 14957 of the Government Code, and are available for construction and for augmentation of this appropriation.	
49—For support of Office of Architecture and Construction, Department of General Services, payable from the Architecture Public Building Fund -----	1,689,605
Schedule:	
(a) Personal Services -----	1,275,131
(b) Operating Expenses and Equipment -----	414,474

Item	Amount
50—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, to be transferred by the State Controller to Item 51, Budget Act of 1970, in accordance with the following schedule -----	1,291,631
Schedule:	
(a) Support -----	161,631
(b) Payment of interest and principal on revenue bonds_	1,130,000
provided, that no more than the amount actually needed to pay any deficit in principal and interest on the revenue bonds shall be made available for expenditure from category (b) of this item.	
And in addition, there is appropriated from the General Fund, not to exceed \$350,000, to be made available during August and September of 1970, upon order of the Department of Finance, upon such terms and conditions for repayment as may be prescribed by the Department of Finance, for temporary loans to the State Fair Fund to provide a change fund for the California Exposition and Fair.	
51—For support of California Exposition and Fair Executive Committee, Department of General Services, and for payment of principal and interest on revenue bonds to meet the provisions of Government Code Section 15849, payable from the State Fair Fund-----	0
Schedule:	
(a) Support -----	2,373,246
(b) Payment of interest and principal on revenue bonds_	1,130,000
(c) Amount payable from General Fund (Item 50) -----	-1,291,631
(d) Amount payable from State Fair Fund as revenue from operations -----	-1,906,000
(e) Amount payable from the State Fair Fund (Item 52) -----	-265,000
(f) Reimbursements -----	-40,615
52—For support of California Exposition and Fair Executive Committee, payable from the State Fair Fund, in accordance with Section 19622, Business and Professions Code -----	265,000
53—For support of Commission on California State Government Organization and Economy	51,350

Item	Amount
54—For support of California Commission on Interstate Cooperation -----	99,100
55—For support of State Personnel Board -----	4,889,602
Schedule:	
(a) Personal Services -----	5,216,813
(b) Operating Expenses and Equipment -----	1,174,490
(c) Reimbursements -----	-1,501,701
56—For support of Secretary of State -----	1,940,049
Schedule:	
(a) Personal Services -----	1,333,627
(b) Operating Expenses and Equipment -----	617,704
(c) Reimbursements -----	-11,282
57—For printing constitutional amendments and other ballot measures, Secretary of State ---	240,000
58—For support of California Heritage Preservation Commission -----	800

AGRICULTURE

59—For support of Department of Agriculture--	11,998,048
Schedule:	
(a) Personal Services -----	20,561,275
(b) Operating Expenses and Equipment -----	6,386,979
(c) Reimbursements -----	-2,613,035
(d) Amount payable from the Department of Agriculture Fund (Item 61) -----	-12,159,098
(e) Amount payable from the Fair and Exposition Fund (Item 62) -----	-178,073
60—For cooperation with the federal government in marketing research under the provisions of Public Law 733, 79th Congress and Section 58231 of the Agricultural Code, Department of Agriculture -----	45,057
61—For support of Department of Agriculture, payable from the Department of Agriculture Fund -----	12,159,098
62—For support of Department of Agriculture, payable from the Fair and Exposition Fund -----	178,073
63—The sum of \$130,000 of the money appropriated by Section 19627 of the Business and Professions Code, for support of district agricultural fairs or combined county and district agricultural fairs, is hereby reappropriated from the Fair and Exposition Fund during the 1970-71 fiscal year for transfer to the General Fund by the State Controller upon order of the Director of Finance.	

COMMERCE

Item	Amount
64—For support of Department of Commerce ---	1,227,042
Schedule:	
(a) Personal Services -----	1,067,274
(b) Operating Expenses and Equipment -----	193,068
(c) Reimbursements -----	-33,300

CORRECTIONS

65—For support of Department of Corrections--	99,412,967
Schedule:	
(a) Personal Services -----	74,627,386
(b) Operating Expenses and Equipment -----	26,652,349
(c) Inmate Pay—Work Projects	853,676
(d) Reimbursements -----	-2,649,906
(e) Federal reimbursements ---	-70,538
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
66—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 3000 et seq. of the Welfare and Institutions Code and 11190 et seq. of the Penal Code, in accordance with the provisions of Section 26749 of the Government Code-----	116,600
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such transportation costs were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
67—For expenses of transporting fugitives from justice from outside the state, in accordance with the provisions of Sections 1389, 1549 and 1557 of the Penal Code-----	318,000
68—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services	

Item	Amount
and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections -----	290,000
provided, that claims made against this item of appropriation shall be filed by the local jurisdictions within six months after the end of the month in which such court costs and county charges were incurred; and provided further, that expenditures made under this item shall be charged to the fiscal year in which the warrant is issued by the State Controller.	
69—For support of Department of the Youth Authority -----	47,751,913
Schedule:	
(a) Personal Services -----	39,372,767
(b) Operating Expenses and Equipment -----	10,065,187
(c) Ward Pay—Work Projects -----	43,480
(d) Reimbursements -----	-1,729,521
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
70—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators -----	43,540
EDUCATION	
72—For payment of the state's share of the operating costs of the Educational Commission of the States and for necessary traveling expenses relating to participation, Department of Education -----	24,100
73—For support of Department of Education, Superintendent of Public Instruction and State Board of Education -----	5,241,667
Schedule:	
(a) Personal Services -----	9,185,369
(b) Operating Expenses and Equipment -----	13,966,801
(c) Reimbursements -----	-11,234,210

Item	Amount
(d) Amount payable from State School Building Aid Fund (Item 74) -----	-220,426
(e) Federal grants -----	-3,788,868
(f) Continuing appropriation per Education Code, Sec- tion 13183 -----	-1,778,453
(g) Continuing appropriation per Chapter 1674, Stat- utes of 1967 -----	-888,546
73.1—For support of State Council on Quality Education -----	0
Schedule:	
(a) Personal Services -----	965,251
(b) Operating Expenses and Equipment -----	835,924
(c) Federal grants -----	-1,801,175
73.2—For support of the Educational Research Commission, to be allocated by executive order of the Department of Finance -----	50,000
74—For support of Department of Education, payable from the State School Building Aid Fund -----	220,426
75—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education -----	159,543
76—For support of California School for the Blind -----	1,198,581
Schedule:	
(a) Personal Services -----	1,190,000
(b) Operating Expenses and Equipment -----	168,581
(c) Reimbursements -----	-160,000
77—For support of Diagnostic School for Neuro- logically Handicapped Children, Northern California -----	757,595
Schedule:	
(a) Personal Services -----	673,000
(b) Operating Expenses and Equipment -----	112,918
(c) Reimbursements -----	-28,323
78—For support of Diagnostic School for Neuro- logically Handicapped Children, Southern California -----	705,232
Schedule:	
(a) Personal Services -----	634,000
(b) Operating Expenses and Equipment -----	92,090
(c) Reimbursements -----	-20,858

Item	Amount
79—For support of California School for the Deaf, Berkeley -----	2,472,371
Schedule:	
(a) Personal Services -----	2,500,396
(b) Operating Expenses and Equipment -----	356,608
(c) Reimbursements -----	-384,633
80—For support of California School for the Deaf, Riverside -----	3,130,670
Schedule:	
(a) Personal Services -----	3,040,808
(b) Operating Expenses and Equipment -----	428,830
(c) Reimbursements -----	-338,968
81—For support of State Educational Agency for Surplus Property, payable from the Surplus Educational Property Revolving Fund -----	3,397,784
Schedule:	
(a) Personal Services -----	1,789,633
(b) Operating Expenses and Equipment -----	1,638,151
(c) Reimbursements -----	-30,000
82—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners -----	1,880,000
Schedule:	
(a) Personal Services -----	1,625,748
(b) Operating Expenses and Equipment -----	6,960,118
(c) Reimbursements -----	-194,736
(d) Federal grants -----	-6,511,130
83—For support of State Teachers' Retirement System -----	1,400,460
Schedule:	
(a) Personal Services -----	1,782,121
(b) Operating Expenses and Equipment -----	818,563
(c) Amount payable from Teachers' Retirement Fund (Item 84) -----	-1,200,224
84—For support of State Teachers' Retirement System, payable from the Teachers' Retirement Fund -----	1,200,224

HIGHER EDUCATION

85—For support of Coordinating Council for Higher Education -----	431,186
Schedule:	
(a) Personal Services -----	493,388

Item	Amount
(b) Operating Expenses and Equipment -----	459,609
(c) Higher Educational Opportunity Programs ----	20,500
(d) Amount payable from General Fund (Item 85.1) -----	-20,500
(e) Federal grants -----	-521,811
provided, that the Coordinating Council for Higher Education shall make an evaluation of educational opportunity programs in all segments of public higher education for a report on findings and recommendations to the Governor and the Legislature annually.	
86—For payment of the state's share of the operating costs of the Western Interstate Commission on Higher Education, to be allocated by executive order of the Department of Finance -----	15,000
provided, that the Governor gives notice that California intends to continue its membership in WICHE.	
87—For support of University of California, exempt from Section 31 of this act -----	329,282,358
provided, that if the amount of money available to finance Section 14150.1 of the Welfare and Institutions Code is reduced from \$35,000,000, effective during the 1970-71 fiscal year, the University of California is authorized to allocate uncommitted 1969-70 federal overhead funds to increase the subsidy for specialized teaching patients at county-operated hospitals for the Davis and Irvine medical schools. This authorization is limited to the amount necessary to maintain the level of program contemplated in this item as determined by the Director of Finance and any such allocation shall be reported to the Joint Legislative Budget Committee in accordance with the provisions of Section 28 of this act.	
87.5—For deferred maintenance, University of California, exempt from Section 31 of this act -----	500,000
provided, that expenditures from this item shall be limited to items of deferred maintenance included on the priority listing to be submitted by the university to the Joint Legislative Budget Committee. Provided further, that no expenditure shall be made from this appropriation without an equal contribution	

Item	Amount
by the university from funds not appropriated in this act.	
87.6—For Psychiatric Instruction Program, University of California, exempt from Section 31 of this act -----	150,000
provided, that the University of California shall submit to the Joint Legislative Budget Committee on or before September 15, 1971, and annually during the life of the program, a report as to progress of this program and of total program expenditures.	
88—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act -----	334,900
89—For research in dermatology, University of California, exempt from Section 31 of this act -----	100,000
90—For research in mosquito control, University of California, exempt from Section 31 of this act, payable from the California Water Fund Schedule:	100,000
(a) Organized research -----	200,000
(b) Reimbursements -----	-100,000
91—For support of Hastings College of Law-----	1,231,009
Schedule:	
(a) Personal Services -----	1,501,046
(b) Operating Expenses and Equipment -----	464,458
(c) Reimbursements -----	-680,761
(d) Federal grants -----	-53,734
92—For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to and in augmentation of their support appropriations, Budget Act of 1970, upon order of the Trustees of the California State Colleges, subject to being reported to the Department of Finance provided, that the funds appropriated in this item will be used only for the state college laboratory schools.	376,701
93—For support of Trustees of the California State Colleges and the California State Colleges -----	302,069,172
Schedule:	
(a) Personal Services -----	320,224,093
(b) Operating Expenses and Equipment -----	67,726,119
(c) Reimbursements -----	-82,570,457

Item

Amount

(d) Amount payable from the

Educational Opportunity

Programs (Item 93.1)-----3,310,583

provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance.

The Trustees of the California State Colleges may approve any transfer of funds within function between the chancellor's office and any state college, or between any state college and any other state college. Notwithstanding the provisions of Section 24053.1(a) of the Education Code, the authorization of an augmentation of a category from additional reimbursements from regular session student charges in excess of one-half of 1 percent of the amount budgeted by college, requires prior Department of Finance approval.

Provided, that funds budgeted for the trustees' audit staff shall not be utilized for contracting with private consultants unless given advanced review and approval by the Joint Legislative Budget Committee, and further provided, that no instructional faculty authorized in the Supplement for Salaries and Wages in 1970-71 will be used for general administration, department chairmanships or noninstructional research.

93.1—For support of Trustees of the California State Colleges and the California State Colleges, to be transferred to their support appropriations, Budget Act of 1970, upon order of the Trustees of the California State Colleges, subject to being reported to the Department of Finance -----

3,310,583

provided, that the funds appropriated in this item will be used only for Educational Opportunity Programs with no other support allocated to these programs from the regular support appropriations; provided further, the educational opportunity enrollment shall not exceed 3,500 FTE new enrollees in 1970-71; provided further, that these funds will be accounted for and reported separately and a report on the program's progress shall be submitted annually to the Joint Legislative Budget Committee by November 1.

Item	Amount
94—For support of Trustees of the California State Colleges and the California State Colleges -----	140,760
Schedule:	
(a) Personal Services -----	21,099
(b) Operating Expenses and Equipment -----	119,661
provided, that the funds appropriated in the above schedule may be reallocated upon order of the Trustees of the California State Colleges subject to being reported to the Department of Finance; and provided further, that the funds appropriated in this item shall be available for the statewide Academic Senate of the California State Colleges.	
95—For support of California Maritime Academy -----	762,897
Schedule:	
(a) Personal Services -----	889,861
(b) Operating Expenses and Equipment -----	330,207
(c) Reimbursements -----	-240,571
(d) Federal grants -----	-216,600
provided, that no funds shall be released for the training voyage on the Golden Bear until an independent inspection has determined that the ship meets the standards of safety and seaworthiness of merchant marine vessels.	
96—For support of Board of Governors of the California Community Colleges -----	837,872
Schedule:	
(a) Personal Services -----	1,262,106
(b) Operating Expenses and Equipment -----	369,492
(c) Reimbursements -----	-793,726
97—For support of State Scholarship and Loan Commission -----	17,037,422
Schedule:	
(a) Personal Services -----	400,918
(b) Operating Expenses and Equipment -----	16,688,582
(c) Amount payable from the State Guaranteed Loan Reserve Fund (Item 98) -----	-52,078
98—For support of State Scholarship and Loan Commission, payable from the State Guaranteed Loan Reserve Fund -----	52,078

FISCAL AFFAIRS

Item	Amount
100—For support of State Controller -----	5,580,466
Schedule:	
(a) Personal Services -----	5,994,598
(b) Operating Expenses and Equipment -----	1,682,880
(c) Reimbursements -----	-863,881
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 101) -	-134,977
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 102) -----	-900,552
(f) Amount payable from the State School Building Aid Fund (Item 103) -----	-129,166
(g) Amount payable from the Aeronautics Fund (Item 104) -----	-68,436
The appropriation made by this item shall be in lieu of any allocation made pursuant to subdivision (d) of Section 30462 of the Revenue and Taxation Code during the 1970- 71 fiscal year and no funds shall be allocated to the State Controller pursuant to Section 30462 during the 1970-71 fiscal year.	
101—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund	134,977
102—For support of State Controller, payable from the Motor Vehicle Fuel Fund -----	900,552
103—For support of State Controller, payable from the State School Building Aid Fund -----	129,166
104—For support of State Controller, payable from the Aeronautics Fund -----	68,436
105—For support of State Board of Equalization	23,356,363
Schedule:	
(a) Personal Services -----	26,399,297
(b) Operating Expenses and Equipment -----	5,983,278
(c) Reimbursements -----	-6,659,213
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 106) --	-1,077,379
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 107) -----	-1,289,620
106—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund -----	1,077,379
107—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund --	1,289,620

Item	Amount
108—For support of Department of Finance -----	3,927,235
Schedule:	
(a) Personal Services -----	3,380,092
(b) Operating Expenses and Equipment -----	663,978
(c) Reimbursements -----	-116,835
109—For support of Franchise Tax Board -----	19,399,000
Schedule:	
(a) Personal Services -----	14,949,854
(b) Operating Expenses and Equipment -----	4,449,146
110—For support of Department of Housing and Community Development -----	1,813,991
Schedule:	
(a) Personal Services -----	1,515,085
(b) Operating Expenses and Equipment -----	409,968
(c) Reimbursements -----	-111,062
111—For support of State Treasurer -----	922,772
Schedule:	
(a) Personal Services -----	800,280
(b) Operating Expenses and Equipment -----	405,992
(c) Reimbursements -----	-283,500

HEALTH AND WELFARE

112—For support of Department of Health Care Services, for administration of the medical assistance program pursuant to the provision of Chapter 4, Statutes of 1965, Second Ex- traordinary Session, payable from the Health Care Deposit Fund -----	14,043,723
and in addition thereto, any amounts received from federal grants or other sources; pro- vided, that any rule or regulation adopted by the Director of the Department of Health Care Services during the 1970-71 fiscal year which adds to the cost of the medical assist- ance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance; provided further, that upon order of the Director of Finance additional funds may be transferred from the Health Care De- posit Fund for the cost of administering the extension of medical assistance program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene as provided in Item 273 of this act.	

Item	Amount
113—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund for expenditure for the work incentive program as specified in Section 5400 of the Unemployment Insurance Code (Chapter 1369, Statutes of 1968) -----	5,330,397
provided, that the State Controller shall transfer these funds only at such time as federal funds from the United States Department of Labor (Title IV of the Social Security Act of 1935, as amended by PL 90-248) are deposited in the Manpower Development Fund and no transfer so made shall exceed twenty-five (25) percent of the amount of federal funds so deposited; provided further, the amount available for transfer to the Manpower Development Fund shall be reduced by the amounts in cash or in kind available from other sources as the state's share of the work incentive program as determined by the State Department of Human Resources Development and certified to the State Controller.	
114—For support of Department of Human Resources Development, for transfer by the State Controller to the Manpower Development Fund, for expenditure for the purposes of the Human Resources Development Act of 1968 commencing with Section 9000 of the Unemployment Insurance Code -----	4,569,250
Schedule:	
(a) General Fund -----	4,397,874
(b) Department of Employment	
Contingent Fund -----	171,376
115—For support of Department of Human Resources Development -----	130,073
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
Schedule:	
(a) Office of Economic Opportunity -----	361,364
Federal grants -----	-318,746
(b) Commission on Aging -----	607,064
Federal grants -----	-519,609
(c) Migrant program -----	181,715
Federal grants -----	-181,715

Item	Amount
116—For payment to various local jurisdictions and state agencies for support of the Migrant Master Plan in cooperation with the federal government programs, resulting from the Economic Opportunity Act, Department of Human Resources Development -----	286,725
Schedule:	
(a) Operations -----	2,715,657
(b) Federal grants -----	-2,428,932
117—For support of Department of Human Resources Development, payable from the Department of Employment Contingent Fund and in addition thereto, any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance.	485,483
118—For support of Department of Human Resources Development, for the payment of expenses incurred by the Department of Finance in examining the books of the Department of Human Resources Development, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended -----	41,100
provided that:	
(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.	
(b) The period within which such money may be obligated is specifically limited to the period beginning on the 61st day after final adjournment of the 1970 Regular Session of the Legislature and ending June 30, 1971.	
(c) The total amount obligated pursuant to this item during the 1970-71 fiscal year shall not exceed the amount by which	
(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the 14 preceding fiscal years, exceeds	

Item	Amount
(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 15 fiscal years.	
119—For administration of unemployment compensation disability benefits, Department of Human Resources Development, payable from the Unemployment Compensation Disability Fund -----	13,012,260
Schedule:	
(a) Personal Services -----	10,278,593
(b) Operating Expenses and Equipment -----	2,733,667
120—For support of Department of Mental Hygiene -----	6,664,556
Schedule:	
(a) Personal Services -----	6,745,206
(b) Operating Expenses and Equipment -----	1,878,680
(c) Reimbursements -----	-1,959,330
121—For research projects and training programs, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance -----	7,998,973
Schedule:	
(a) Research -----	1,162,160
(b) Training -----	6,836,813
And in addition, any amounts received for research projects and training programs, from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
122—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene -----	12,979,059
Schedule:	
(a) Personal Services -----	10,452,990
(b) Operating Expenses and Equipment -----	2,526,069
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall	

Item	Amount
enable the state to make maximum utilization of available federal funds.	
123—For support of the hospitals for the mentally ill for judicially committed patients, mentally retarded patients, patients committed pursuant to the Penal Code and those mentally ill patients whose county of residence is not participating in a local mental health program as provided in Division 5 of the Welfare and Institutions Code, Department of Mental Hygiene -----	24,656,265
provided, that any portion of this item may be transferred upon order of the Department of Finance to Item 273, Budget Act of 1970, for assistance to local agencies for mental health services.	

Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; and provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene to the appropriation for support of the Department of Social Welfare, Item 132, Budget Act of 1970, for placement of mentally retarded patients in suitable community facilities. The purpose of this section is to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.

Provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene to the appropriation for local assistance of the Department of Public Health Item 278, Budget Act of 1970, for operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded. The purpose of this section is to expand the mental retardation diagnostic and counseling centers program.

Item	Amount
123.5—For additional support of Department of Mental Hygiene and for remodeling of existing facilities to provide for a nonmedical, residential care program for the mentally retarded on the grounds of Agnews State Hospital -----	629,000
Schedule:	
(a) Personal Services -----	422,488
(b) Operating Expenses and Equipment -----	206,512
provided, that no expenditures from this appropriation shall be authorized sooner than 30 days after notification in writing to the Joint Legislative Budget Committee, or such less time as the chairman or his designee may determine.	
124—For support of the hospitals for the mentally retarded, Department of Mental Hygiene----	65,746,390
Schedule:	
(a) Personal Services -----	58,126,454
(b) Operating Expenses and Equipment -----	7,710,206
(c) Reimbursements -----	-90,270
provided, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds; provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene to the appropriation for support of the Department of Social Welfare Item 132, Budget Act of 1970, for placement of mentally retarded patients in suitable community facilities. The purpose of this section is to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.	
Provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds not required by the Department of Mental Hygiene to the appropriation for local assistance of the Department of Public Health Item 278, Budget Act	

Item	Amount
of 1970, for operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded. The purpose of this section is to expand the mental retardation diagnostic and counseling centers program.	
125—For support of Department of Public Health Schedule:	11,112,136
(a) Personal Services -----	14,042,588
(b) Operating Expenses and Equipment -----	4,853,257
(c) Reimbursements -----	3,014,515
(d) Amount payable from the Motor Vehicle Fund (Item 129) -----	-54,800
(e) Federal grants -----	-4,714,394
In its administration of departmental staffed special projects, the Department of Public Health shall establish appropriate internal review procedures to which all proposed special projects shall be subject. The department shall include in the 1971-72 budget only those special projects which are ongoing and funded. The department shall submit all new project proposals, together with detailed justification to the State Health Planning Council for its review. Subsequent to the council's review, the new proposals shall be submitted to the Department of Finance and the Legislative Analyst prior to the submission of such projects to the funding agency. The Department of Public Health shall limit expenditures for departmental staffed special projects to the budgeted amount of \$2,659,752 during the 1970-71 fiscal year, except that this limitation shall not apply to any additional departmental staffed projects approved pursuant to procedures outlined above or to federal funds which flow through the department to local agencies.	
126—For support of Regional Dialysis Centers, established pursuant to Article 7.7 (commencing with Section 417), Chapter 2, Part 1, Division 1. of the Health and Safety Code, Department of Public Health -----	260,248
Schedule:	
(a) Personal Services -----	19,660
(b) Operating Expenses and Equipment -----	240,588

Item	Amount
127—For a pilot project for diagnostic and treatment services for children suffering from hyaline membrane and the collection of data regarding the cost of providing care for hyaline membrane, pursuant to Article 2 (commencing with Section 249) of Chapter 2 of Part 1 of the Health and Safety Code, Department of Public Health -----	190,182
128—For temporary loan to the Health Facility Construction Loan Insurance Fund ----- to be transferred by the State Controller to the Health Facility Construction Loan Insurance Fund as a loan from the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance.	15,577
129—For support of Department of Public Health, payable from the Motor Vehicle Fund-----	54,800
130—For support of Department of Rehabilitation Schedule:	5,989,465
(a) Personal Services -----	13,967,223
(b) Operating Expenses and Equipment -----	23,031,539
(c) Reimbursements -----	-1,616,806
(d) Federal grants -----	-18,142,470
(e) Federal grants— Cooperative Rehabilitation Services -----	-11,250,021
provided, that upon approval of the Department of Finance, the State Controller shall transfer to and in augmentation of this item from other items in this act which make appropriations from the General Fund, such part of the appropriations that are related to the cooperative rehabilitation services program and are necessary to match federal funds for this program.	
Provided further, that such transfers shall enable the state to make maximum utilization of available federal funds.	
131—For support of rehabilitation element in the service center program, Department of Rehabilitation -----	747,042
Schedule:	
(a) Support -----	4,128,390
(b) Reimbursements -----	-78,636
(c) Federal grants -----	-3,302,712

Item	Amount
132—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1970-71 fiscal year ----	19,692,982
Schedule:	

(a) Personal Services -----19,696,926

(b) Operating Expenses and
Equipment -----12,695,293

(c) Reimbursements ----- -1,742,765

(d) Federal grants ----- -10,956,472

provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1970-71 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.

Provided further, that all funds transferred to this item from Items 123, 124, and 278 of this act shall be used to accelerate the placement of suitable hospitalized mentally retarded patients in appropriate community facilities.

Provided further, that upon approval of the Director of Finance, the State Controller shall transfer any funds included in this item for (a) the care and treatment of the mentally retarded in licensed private facilities or for (b) family care of the mentally ill or retarded which are not required for such care to Item 278, Budget Act of 1970, for assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers, including care and treatment services.

INDUSTRIAL RELATIONS

133—For support of Department of Industrial Relations -----	21,579,887
Schedule:	

(a) Personal Services -----19,173,635

(b) Operating Expenses and
Equipment ----- 3,660,523

(c) Reimbursements ----- -600,078

(d) Federal grants ----- -654,193

Item	Amount
134—For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations.....	1,653,000
135—For support of State Fire Marshal.....	861,500
Schedule:	
(a) Personal Services	975,773
(b) Operating Expenses and Equipment	178,747
(c) Reimbursements	-169,900
(d) Amount payable from Dry Cleaners' Fund (Item 136)	-123,120
136—For support of State Fire Marshal, payable from the Dry Cleaners' Fund.....	123,120

JUSTICE

137—For support of Department of Justice, to be transferred to and in augmentation of Item 138, Budget Act of 1970, payable from the Motor Vehicle Fund.....	1,929,055
138—For support of Department of Justice.....	21,881,381
Schedule:	
(a) Personal Services	19,165,337
(b) Operating Expenses and Equipment	7,818,337
(c) Reimbursements	-2,597,945
(d) Amount payable from Tort Liability (Item 142)	-575,293
(e) Amount payable from Motor Vehicle Fund (Item 137)	-1,929,055
139—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund.....	461,962
Schedule:	
(a) Personal Services	313,640
(b) Operating Expenses and Equipment	280,713
(c) Federal grants	-132,391
140—For support of California Council on Criminal Justice	77,986
141—For support of California Crime Technological Research Foundation.....	75,000
142—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Justice in its discretion in respect to, state agencies, departments, boards, bu-	

Item	Amount
reaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Justice and in addition thereto, there is hereby appropriated to the Department of Justice from each fund, other than the General Fund, an amount from each such fund sufficient to pay the cost of administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein.	1,787,000
143—For expenditure by the Department of Justice for claims, settlements, compromises and judgments against the state, its officers, servants and employees, provided, that any sums awarded the state by decree of a court shall be first applied to this appropriation as reimbursement for payment of claims presently in litigation regarding land at Fairview State Hospital, Department of Justice -----	0
Schedule:	
(a) Payment of Claims -----	1,000,000
(b) Reimbursements -----	1,000,000
144—For the payment of claims and Attorney General services pursuant to Chapter 5 (commencing with Section 13960) of Part 4 of Division 3 of Title 2 of the Government Code, State Board of Control -----	125,000
Schedule:	
(a) Claims -----	100,000
(b) Attorney General services -	25,000
and in addition thereto, there is hereby appropriated for the purpose of this item any amount on deposit in the Indemnity Fund, pursuant to Section 13964 of the Government Code.	

MILITARY AFFAIRS

Item	Amount
145—For support of Military Department -----	3,960,638
Schedule:	
(a) Personal Services -----	3,269,345
(b) Operating Expenses and Equipment -----	1,484,784
(c) Reimbursements -----	-78,558
(d) Federal grants -----	-714,933
provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Commanding General of the State Military Forces, the California National Guard or the California National Guard Reserve from the federal government.	
146—For payment of military retirements, in accordance with the provisions of Sections 228 and 256 of the Military and Veterans Code, Military Department -----	315,891
146.5—For support of California Cadet Corps ---	94,214
Schedule:	
(a) Personal Services -----	47,838
(b) Operating Expenses and Equipment -----	46,376

REGULATION AND LICENSING

147—For support of Department of Alcoholic Beverage Control -----	6,027,004
Schedule:	
(a) Personal Services -----	4,931,489
(b) Operating Expenses and Equipment -----	1,115,515
(c) Reimbursements -----	-20,000
148—For support of Alcoholic Beverage Control Appeals Board -----	141,781
Schedule:	
(a) Personal Services -----	117,281
(b) Operating Expenses and Equipment -----	24,500
149—For support of State Banking Department---	0
Schedule:	
(a) Personal Services -----	53,540
(b) Operating Expenses and Equipment -----	19,960
(c) Reimbursements -----	-73,500
150—For support of State Banking Department, to be transferred to and in augmentation of Item 149, Budget Act of 1970, upon order of	

Item	Amount
the Department of Finance, payable from the State Banking Fund -----	73,500
provided, that this amount shall be a temporary loan to be repaid upon such terms and conditions as may be prescribed by the Department of Finance.	
151—For support of State Banking Department, payable from the State Banking Fund-----	1,386,034
Schedule:	
(a) Personal Services -----	1,156,400
(b) Operating Expenses and Equipment -----	229,634
152—For support of Department of Corporations..	3,200,000
Schedule:	
(a) Personal Services -----	3,520,917
(b) Operating Expenses and Equipment -----	636,729
(c) Reimbursements -----	-957,646
153—For support of California Horse Racing Board, payable from the Fair and Exposition Fund -----	348,351
Schedule:	
(a) Personal Services -----	258,274
(b) Operating Expenses and Equipment -----	90,077
154—For support of Department of Insurance ---	4,290,418
Schedule:	
(a) Personal Services -----	3,511,013
(b) Operating Expenses and Equipment -----	779,405
155—To pay the state's share of the cost of providing riot and civil disorders insurance pursuant to Chapter 2 of the Insurance Code ----	1,600,000
156—For support of Board of Pilot Commissioners for the Harbor of San Diego -----	700
157—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund -----	15,000
158—For support of Board of Harbor Commissioners for Humboldt Bay -----	1,500
159—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code---	3,303,451
Schedule:	
(a) Personal Services -----	2,089,356
(b) Operating Expenses and Equipment -----	1,339,095
(c) Reimbursements -----	-125,000

Item	Amount
160—For support of State Board of Accountancy, payable from the Accountancy Fund-----	330,474
161—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund -----	144,977
162—For support of State Athletic Commission---	162,230
163—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund -----	405,637
164—For support of Cemetery Board, payable from the Cemetery Fund -----	77,905
165—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund -----	99,798
166—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund -----	178,712
167—For support of Office of Consumer Counsel, Division of Consumer Affairs -----	10,000
168—For support of Contractors' State License Board, payable from the Contractors' License Fund -----	2,693,284
Schedule:	
(a) Personal Services -----	1,688,234
(b) Operating Expenses and Equipment -----	1,005,050
169—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund -----	867,198
Schedule:	
(a) Personal Services -----	283,571
(b) Operating Expenses and Equipment -----	583,627
170—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund -----	227,331
171—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund-----	286,611
172—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund -----	255,535
173—For support of Bureau of Employment Agencies, Department of Professional and Vocational Standards, payable from the Bureau of Employment Agencies Fund-----	171,979

Item	Amount
174—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund----	103,382
175—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund -----	424,716
176—For support of State Board of Registration for Geologists, payable from the Geology Fund -----	38,098
177—For support of State Board of Guide Dogs for the Blind -----	2,631
178—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund-----	39,184
179—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners -----	1,022,772
Schedule:	
(a) Personal Services -----	272,057
(b) Operating Expenses and Equipment -----	757,715
(c) Reimbursements -----	-7,000
180—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund -----	30,680
181—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund -----	666,205
Schedule:	
(a) Personal Services -----	318,368
(b) Operating Expenses and Equipment -----	347,837
182—For support of State Board of Optometry, payable from the State Optometry Fund ---	72,169
183—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners -----	15,375
184—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund -----	665,365
Schedule:	
(a) Personal Services -----	328,760
(b) Operating Expenses and Equipment -----	336,605

Item	Amount
185—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund -----	105,159
186—For support of State Board of Registration for Professional Engineers, payable from the Professional Engineers' Fund -----	699,768
Schedule:	
(a) Personal Services -----	432,567
(b) Operating Expenses and Equipment -----	267,201
187—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund -----	36,758
188—For support of Social Worker and Marriage Counselor Qualifications Board of the State of California, payable from the Social Worker and Marriage Counselor Fund -----	63,930
189—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund -----	521,518
Schedule:	
(a) Personal Services -----	169,640
(b) Operating Expenses and Equipment -----	351,878
190—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund ----	64,660
191—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund -----	284,108
192—For support of Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California, payable from the Vocational Nurse and Psychiatric Technician Examiners' Fund from those moneys deposited under the provisions of Section 4547 of the Business and Professions Code -----	51,950
193—For support of Public Utilities Commission Schedule:	6,595,475
(a) Personal Services -----	10,001,467
(b) Operating Expenses and Equipment -----	2,302,376
(c) Reimbursements -----	-90,000
(d) Amount payable from the Transportation Rate Fund (Item 194) -----	-5,618,368

Item	Amount
194—For support of Public Utilities Commission, payable from the Transportation Rate Fund	5,618,368
195—For support of Department of Real Estate, payable from the Real Estate Fund -----	2,888,048
Schedule:	
(a) Personal Services -----	2,288,556
(b) Operating Expenses and Equipment -----	947,285
(c) Amount payable from the Real Estate Education, Re- search and Recovery Fund— Education Research (Item 196(a)) -----	-218,802
(d) Amount payable from the Real Estate Education, Re- search and Recovery Fund— Recovery Act (Item 196(b)) -----	-128,991
196—For educational, research and recovery needs of the real estate industry in California, pay- able from the Real Estate Education, Re- search and Recovery Fund -----	480,993
Schedule:	
(a) Education Research -----	352,002
(b) Recovery Act -----	128,991
to be allocated by the Department of Finance in amounts as it finds necessary to the Uni- versity of California, exempt from Section 31 of this act, and to the Department of Real Es- tate, to carry out the provisions of Section 10451.5 of the Business and Professions Code.	
197—For support of Department of Savings and Loan, payable from the Savings and Loan Inspection Fund -----	2,778,000
Schedule:	
(a) Personal Services -----	2,250,595
(b) Operating Expenses and Equipment -----	527,405

RESOURCES

198—For support of Department of Conservation	35,964,332
Schedule:	
(a) Personal Services -----	36,043,564
(b) Operating Expenses and Equipment -----	10,368,205
(c) Emergency Fire Suppres- sion and Detection -----	200,000
(d) Federal reimbursements ----	-903,002
(e) Reimbursements -----	-8,371,841

Item	Amount
(f) Amount payable from Petroleum and Gas Fund (Item 199) -----	-1,236,042
(g) Amount payable from Petroleum and Gas Fund—Geothermal Resources Account (Item 200) -----	-15,000
(h) Amount payable from Subsidence Abatement Fund (Item 201) -----	-121,552
provided, that an amount not more than \$1,000,000 in emergency fire suppression and detection costs and related emergency revegetation costs, which exceed the amount scheduled in (c) can be expended from the amounts contained in schedules (a) and (b) without approval of the Department of Finance.	
199—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund -----	1,236,042
200—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund—Geothermal Resources Account -----	15,000
201—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund -----	121,552
202—For allotment, pursuant to Section 4132 of the Public Resources Code, for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation -----	2,787,584
Schedule:	
(a) Kern County -----	694 104
(b) Los Angeles County -----	1,088,942
(c) Marin County -----	224 202
(d) Santa Barbara County -----	380,574
(e) Ventura County -----	399 762
203—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States national forests within this state, Department of Conservation -----	1,626,216
204—For expenditure by the Department of Conservation -----	265,227

Item	Amount
Schedule:	
(a) White pine blister rust control -----	20,000
(b) Wild land vegetation and soil mapping -----	158,741
(c) Forest and fire research ----	84,236
(d) Geological exploration, ----	2,250
provided that, any amount withdrawn from item (d) above must be matched by an expenditure of a like amount by the federal government in this state for this purpose.	
205—For support of State Lands Division, State Lands Commission, Department of Conservation -----	1,652,398
Schedule:	
(a) Personal Services -----	2,193,082
(b) Operating Expenses and Equipment -----	492,117
(c) Reimbursements -----	-23,000
(d) Amounts payable under the provisions of Chapter 138, Statutes of 1964 -----	-1,009,801
206—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item ----	16,129,553
Schedule:	
(a) Personal Services -----	12,010,440
(b) Operating Expenses and Equipment -----	6,085,038
(c) Reimbursements -----	-1,358,825
(d) Federal reimbursements ---	-607,100
207—To pay for the purchase of land for game production, improvement of waterfowl areas and research in game management under the provisions of the Pittman-Robertson Act, fish restoration and management projects under the provisions of the Dingell-Johnson Act, and commercial fisheries research and development projects under the provisions of the Commercial Fisheries Research and Development Act (Bartlett Act), Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005	

Item	Amount
of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item -----	2,816,900
Schedule:	
(a) Pittman-Robertson program 1,810,000	
(b) Dingell-Johnson program -- 664,900	
(c) Bartlett program ----- 342,000	
provided, that any moneys received in reimbursement of expenditures from this item shall be credited to this appropriation and reverted to the unappropriated balance of the Fish and Game Preservation Fund.	
208—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item-----	15,300
209—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code -----	120,200
210—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund..	120,000
Schedule:	
(a) Personal Services ----- 85,308	
(b) Operating Expenses and Equipment ----- 34,692	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.	
211—For support of Department of Navigation and Ocean Development-----	174,162
211.5—For preparation of California Comprehensive Ocean Area Plan, Department of Navigation and Ocean Development -----	142,000
and in addition thereto, any amounts received from federal grants or other sources.	
212—For support of Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund---	726,921

Item	Amount
Schedule:	
(a) Personal Services -----	616,485
(b) Operating Expenses and Equipment -----	284,598
(c) Amount payable from Gen- eral Fund (Item 211) -----	-174,162
213—For support of Department of Parks and Recreation -----	18,268,075
Schedule:	
(a) Personal Services -----	15,324,154
(b) Operating Expenses and Equipment -----	5,761,708
(bx) Unallocated reduction ----	-374,809
(c) Reimbursements -----	-1,117,501
(d) Amount payable from Item 214 -----	-1,325,477
214—For support of the Department of Parks and Recreation, to be transferred to and in aug- mentation of Item 213 of this act by the State Controller -----	1,325,477
provided, that these funds shall be available only for expenditure at Hearst San Simeon State Historical Monument; and further pro- vided; that any revenue in excess of these ex- penditures derived from Hearst San Simeon State Historical Monument, as determined by the Director of the Department of Parks and Recreation, shall be transferred to a special account in the General Fund, and shall be available only for appropriation by the Legis- lature for maintenance and capital outlay at Hearst San Simeon State Historical Monu- ment.	
214.1—For support of Department of Parks and Recreation, payable from the Harbors and Watercraft Revolving Fund, to be transferred to and in augmentation of Item 213 of this act by the State Controller -----	143,000
215—For transfer to the Water Resources Revolv- ing Fund, to be transferred by the State Con- troller in such amounts as the Department of Finance may authorize, for support of De- partment of Water Resources, including co- operative work with other agencies -----	11,911,291
Schedule:	
(a) General management -----	5,225,069
(b) Continuing formulation of the California Water Plan -	6,095,885
(c) Implementation of the State Water Resources Develop- ment System -----	694,606

Item	Amount
(d) Flood control -----	3,315,778
(e) Supervision of safety of dams -----	1,266,200
(f) Services to other agencies --	538,822
(g) General Fund reimburse- ments -----	-891,397
(h) Other reimbursements -----	-4,333,672
provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1971, and any unencumbered balances shall be returned to the General Fund as of June 30, 1971; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose.	
216—For support of State Air Resources Board, payable from the Motor Vehicle Fund ----- Schedule:	0
(a) Personal Services -----	1,785,627
(b) Operating Expenses and Equipment -----	1,127,328
(c) Reimbursements -----	-800,000
(d) Amount payable from Motor Vehicle Fund (Item 217) --	-2,112,955
217—For support of State Air Resources Board, payable from the Motor Vehicle Fund -----	2,112,955
218—For support of State Water Resources Control Board ----- Schedule:	3,856,000
(a) Personal Services -----	3,323,620
(b) Operating Expenses and Equipment -----	1,435,680
(c) Reimbursements -----	-95,000
(d) Federal grants -----	-808,300
provided, that \$130,000 of the funds appropriated by this item shall be available for the State Water Resources Control Board to contract with local government for a cooperative study of Monterey Bay water quality problems.	
219—For support of Reclamation Board ----- Schedule:	237,315
(a) Personal Services -----	125,115
(b) Operating Expenses and Equipment -----	112,200
220—For support of Colorado River Board of California -----	244,805

Item	Amount
Schedule:	
(a) Personal Services -----	206,623
(b) Operating Expenses and Equipment -----	38,182
221—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee -----	6,000
222—For support of Klamath River Compact Commission -----	6,355
223—For support of California-Nevada Interstate Compact Commission -----	13,100
224—For support of San Francisco Bay Conservation and Development Commission -----	265,899
Schedule:	
(a) Personal Services -----	198,649
(b) Operating Expenses and Equipment -----	67,250
225—For support of the protected waterways program, Resources Agency -----	56,778
226—For support of Tahoe Regional Planning Agency -----	50,000
227—For support of the protected waterways program, Resources Agency, payable from the Harbors and Watercraft Revolving Fund ----	6,581
228—For support of the protected waterways program, Resources Agency, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item -----	25,053
228.5—For preparation of phase 1 of a study of California marine and inland fishing industries to implement the study prepared pursuant to Resolution Chapter 328 of the Statutes of 1969, (Assembly Concurrent Resolution No. 150), payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item -----	20,000
The Secretary of Resources is authorized to contract with a private consulting firm to prepare the study.	

TRANSPORTATION

Item	Amount
229—For support of Department of Aeronautics, payable from the Aeronautics Fund-----	439,907
Schedule:	
(a) Personal Services -----	303,443
(b) Operating Expenses and Equipment -----	145,177
(c) Reimbursements -----	-8,713
231—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund -----	116,573,582
Schedule:	
(a) Personal Services -----	97,489,746
(b) Operating Expenses and Equipment -----	20,954,035
(c) Reimbursements -----	-1,870,199
232—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund-----	8,835
233—For payments of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$500,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.	
234—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund--	54,089,954
Schedule:	
(a) Personal Services -----	51,873,059
(b) Operating Expenses and Equipment -----	15,619,250
(c) Reimbursements -----	-4,985,209
(d) Amount payable from Motor Vehicle License Fee Fund (Item 235) -----	-8,039,614
(e) Amount payable from Harbors and Watercraft Revolving Fund (Item 236)---	-377,532
235—For support of Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund -----	8,039,614
to be transferred to the Motor Vehicle Fund, in augmentation of Item 234 of this act, as	

Item	Amount
provided by Section 11003 of the Revenue and Taxation Code.	
236—For support of Department of Motor Vehicles, payable from the Harbors and Watercraft Revolving Fund -----	377,532
to be transferred to the Motor Vehicle Fund in augmentation of Item 234 of this act, for undocumented vessel registration and fee collection.	
237—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of \$250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.	
237.5—For support of Department of Public Works for restudy of extension of Long Beach Freeway through South Pasadena, payable from the State Highway Fund-----	15,000

VETERANS AFFAIRS

238—For support of Department of Veterans Affairs -----	711,875
Schedule:	
(a) Personal Services -----	723,212
(b) Operating Expenses and Equipment -----	133,660
(c) Amount payable from the Veterans' Farm and Home Building Fund of 1943	
(Item 239) -----	-144,997
239—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 -----	144,997
240—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code -----	2,378,325
241—For support of Veterans' Home of California -----	4,276,878
Schedule:	
(a) Personal Services -----	6,250,938
(b) Operating Expenses and Equipment -----	1,270,130
(c) Reimbursements -----	-1,347,120
(d) Federal grants -----	-1,897,070
provided, that none of the funds herein ap-	

Item	Amount
appropriated shall be expended for the payment of sick leave pay for member employees.	
The Veterans' Home of California shall collect from home members, after due consideration of income and family status fees and charges for domiciliary, nursing home, and hospital care from each member to be effective on or before September 1, 1970.	

MISCELLANEOUS

242—For support of Advisory Commission on the Status of Women -----	44,210
243—For support of California Arts Commission--	164,000
244—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation -----	1,806,464
245—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code--- provided, that expenditures made under this item shall be charged to the year in which the warrant is issued by the State Controller.	20,000

DEBT SERVICE

246—For payment of interest, on order of the Director of Finance, on transfers of money from any fund or account subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Pooled Money Investment Board to be a rate of interest prescribed by Section 16310 of the Government Code ----	13,200,000
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UNALLOCATED

247—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee	
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Item	Amount
in the state service other than personnel in faculty and faculty-related classifications in the University of California whose salary ranges are set by the regents and instructional and instructional-related positions in the California State Colleges whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1970 by the State Personnel Board or other salary-fixing authority-----	40,700,110

Schedule:

- (a) For increases in compensation set by the State Personnel Board or other salary-fixing authority exclusive of the Regents of the University of California and the Trustees of the California State Colleges ----- 29,300,110
- (b) For increases in compensation for nonfaculty positions established by the Regents of the University of California ----- 6,700,000
- (c) For increases in compensation for noninstructional positions established by the Trustees of the California State Colleges ----- 4,700,000

For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Department of Finance in augmentation of their respective appropriations for support or for other purposes.

Before any increased salary range or rate established for any position for the 1970-71 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or

Item	Amount
may be made available from the appropriation in this item, to meet the cost of such increases.	
247.5—For allocation by executive order of the Department of Finance to the several courts, state agencies, and counties, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will defray the state's share of the cost of the increases in compensation for judges, justices and related classes as provided in Section 68203 of the Government Code-----	699,890
250—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies ----- and in addition, \$1,500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judgment of the Director of Finance constitute cases of actual necessity, but these shall be limited to purposes which have been specifically approved by the Legislature in budget acts or other legislation, except that not more than \$100,000 of this item may be expended for emergencies for which no such prior authorization exists.	1,000,000
Provided, that the Director of Finance shall file with the Joint Legislative Budget Committee within 10 days after approval, copies of all executive orders and allotment promises for allocations from the Emergency Fund stating the reasons for, and the amount of, all such executive orders and allotment promises for allocations.	
Provided further, that any augmentation from this item to any program in excess of 10 percent of the amount authorized for expenditure in the 1970-71 fiscal year for such	

Item	Amount
program shall become effective no sooner than 30 days after notification in writing to the Joint Legislative Budget Committee or no sooner than such lesser time as the committee, or its designee, may in each instance determine, except that no such limit shall apply if the Director of Finance states in writing to the Chairman of the Joint Legislative Budget Committee the necessity and urgency for the allocation which, in the judgment of the director, makes prior approval impractical.	
251—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule—	232,802
Schedule:	
(a) General Fund	155,991
(b) Aeronautics Fund	790
(bx) Department of Agriculture Fund	199
(c) Fish and Game Preservation Fund	848
(d) State Highway Fund	19,089
(e) Motor Vehicle Fund	3,954
(f) Motor Vehicle Fuel Fund	6,514
(g) Motor Vehicle License Fee Fund	772
(h) State Fair Fund	1,600
(i) Health Care Deposit Fund	11,360
(j) Public Employees' Retirement Fund	15,499
(k) Service Revolving Fund	703
(l) State Construction Program Fund	2,101
(m) Unemployment Administration Fund	5,798
(n) Unemployment Compensation Disability Fund	110
(o) Water Resources Revolving Fund	7,366
(p) Unemployment Fund	108
252—For temporary transfers to the General Fund, in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.	

LOCAL ASSISTANCE SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1970-71 fiscal year beginning July 1, 1970, and ending June 30, 1971. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

AGRICULTURE

Item	Amount
253—For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 2224 of the Agricultural Code -----	171,600
254—For payments to cities and counties for lands under contract as agricultural preserves on July 1 of the 1970-71 fiscal year, Department of Agriculture, to be expended in accordance with the provisions of Section 51260 of the Government Code -----	446

CORRECTIONS

255—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code -----	3,316,340
256—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to	

Item	Amount
Section 1760(d) of said code, Department of the Youth Authority -----	129,635
257—For county delinquency prevention commissions, Department of the Youth Authority, to be allocated by the Director of the Youth Authority, in accordance with Section 1752.5 of the Welfare and Institutions Code -----	27,200
258—For county delinquency prevention commissions and research and training grants, Department of the Youth Authority ----- provided, that grants for research and training in delinquency and crime prevention shall be allocated by the Director of the Youth Authority in accordance with Section 1752.6 of the Welfare and Institutions Code; provided further, that expenditure of these funds are contingent upon (1) the approval of programs by the Director of the Youth Authority and the California Council on Criminal Justice; and (2) receipt of federal funds to initiate the programs in an amount equal to, or greater than, allocations from this appropriation.	100,000
259—For assistance to counties in their operation of special probation supervision programs, in accordance with Sections 1820 through 1827 of the Welfare and Institutions Code, Department of the Youth Authority ----- provided, that the amount payable to any county shall be limited to the amount of its entitlement which would be calculated on the basis of the reduced commitment rate achieved during the 1969-70 fiscal year. Monies appropriated by this item shall be available to reimburse counties for their expenditures for the cost of new or expanded special probation supervision programs established above the level of effort in probation supervision maintained by these counties during the 1965-66 fiscal year. Expenditures made under this item to reimburse counties for their cost of special probation supervision programs shall be charged to the year the warrant is issued by the State Controller.	14,750,000

Provided further, that upon order of the Department of Finance, not more than \$50,000 of the amount appropriated herein may be transferred to and in augmentation of Item 69, Budget Act of 1970, for the purpose of gathering statistics and related re-

Item	Amount
search and evaluation on the probation subsidy program.	
260—For county delinquency prevention commissions, Department of the Youth Authority, to defray expenses, including salaries of coordinators, incurred under the pilot Youth Services Bureau program established in Section 1902, Welfare and Institutions Code -----	50,000

EDUCATION

261—(a) In lieu of the amounts which would otherwise be appropriated for transfer from the General Fund in the State Treasury to the State School Fund for the 1970-71 fiscal year pursuant to subdivision (a) and subdivision (b) of Section 17301 of the Education Code, there is hereby appropriated for transfer by the State Controller during the 1970-71 fiscal year from the General Fund in the State Treasury to the State School Fund, such sums as needed, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment pursuant to Chapter 1 (commencing with Section 17151), Chapter 2 (commencing with Section 17300), and Chapter 3 (commencing with Section 17601), of Division 14 of the Education Code, during the 1970-71 fiscal year, an amount not to exceed two hundred seventy-eight dollars and ninety-two cents (\$278.92) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction.

Subdivision (c) of Section 17301 of the Education Code shall be inoperative during the 1970-71 fiscal year.

(b) In lieu of the schedule of expenditures prescribed by Sections 17303 and 17303.5 of the Education Code, the amount to be transferred to the State School Fund for the 1970-71 fiscal year pursuant to subdivision (a) of this item shall be expended during such fiscal year in accordance with the following schedule:

(1) Twenty-one dollars and fifty cents (\$21.50) multiplied by the total average

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Amount

daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed seventy cents (\$0.70) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352 of the Education Code.

(2) Four dollars and forty cents (\$4.40) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for the purpose of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14 of the Education Code.

(3) Nineteen dollars and fifty-two cents (\$19.52) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for the purposes of Sections 18060 and 18062 and Article 11 (commencing with Section 18101) of Chapter 3 of Division 14 of the Education Code.

(4) Three dollars and six cents (\$3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to county school service funds pursuant to subdivision (b) of Section 18352 of the Education Code.

(5) One dollar and sixty-seven cents (\$1.67) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for allowances to county school service funds pursuant to subdivision (c) of Section 18352 of the Education Code.

Item	Amount
tion funds during the preceding fiscal year for allowances to school districts for the purposes of Section 6426 of the Education Code.	
(6) Two hundred forty dollars and ninety-two cents (\$240.92) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds during the preceding fiscal year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.	
(7) Eight dollars and sixty-five cents (\$8.65) multiplied by the average daily attendance during the preceding school year credited to all kindergarten, elementary, high school, junior college, and adult schools in the state and to county school tuition funds for purposes of Chapter 7.1 (commencing with Section 6750) of Division 6 of the Education Code.	
261.1—An amount equal to the aggregate of all General Fund reductions made in this act by the Governor pursuant to Section 10 Article 4 of the Constitution, is hereby appropriated to the State School Fund for allocation as hereafter provided by law.	
261.5—For transfer by the State Controller from the General Fund to the State School Fund for cost increases due to inflation----- this amount to be expanded pursuant to Section 17668 of the Education Code and in accordance with the following specifications:	88,000,000
(1) Compute the 1970-71 apportionment without regard to the appropriation in this item.	
(2) Determine the number of average daily attendance in all districts for which equalization aid was computed in 1970-71.	
(3) Divide the number of average daily attendance in all districts for which equalization was computed into the amount appropriated by this item.	
(4) Multiply the amount per average daily attendance computed in 3 above by the average daily attendance in each district for which equalization aid was	

Item	Amount
computed, and apportion this amount to the district.	
(5) The additional amount apportioned shall be shown separately and shall be labeled as "Additional Equalization Aid for Cost Increased Due to Inflation."	
262—For support of instructional television programs, Department of Education, to be expended in accordance with the provisions of Section 18270 of the Education Code -----	875,000
263—For support of Department of Education - provided, that the appropriation made by this item is limited to carrying out the provisions of Sections 6450 through 6474, 6481 through 6486, 6490 through 6498, and 13355.1 through 13355.15 of the Education Code; and that at least \$750,000 of such amount be used to carry out the provisions of Sections 13355.1 through 13355.15 of the Education Code.	11,000,000
264—For support of special elementary school reading instruction programs, Department of Education, to be expended in accordance with the provisions of Sections 7770 through 7825 of the Education Code ----- provided, that no funds shall be apportioned by the Superintendent of Public Instruction until a plan is submitted to the Department of Finance and the Joint Legislative Budget Committee outlining the development of a report on the effect of this program for 1967-68 and 1968-69 This shall also include a plan for conducting a statistically valid sample of California pupils in the first grade to determine the relationship between scores of individual pupils on both the Stanford Reading Test and the Cooperative Primary Reading Test in order that a report on this relationship can be made to the Joint Legislative Budget Committee by November 1, 1970.	18,000,000
265—For support of mathematics improvement programs, Department of Education, to be expended in accordance with the provisions of Chapter 2.6, Division 7 of the Education Code	925,000
266—For support of children's centers, Department of Education, to be apportioned by the department in the manner provided by Chapter 5, Division 12 of the Education Code, to school districts maintaining children's centers pursuant to Sections 16601 through 16645.25 of the Education Code -----	15,399,712

Item	Amount
Schedule:	
(a) Children's Centers -----	14,899,712
(b) Development Centers for Handicapped Minors -----	4,500,000
(c) Preschool Education -----	15,003,000
(d) Reimbursements -----	19,003,000
provided, that the Department of Finance may, by executive order, transfer funds scheduled in subdivision (a), above, for and in augmentation of the amount scheduled in subdivision (a) of Item 283 of this act for expenditure for the Self-Support Program, for purposes of meeting the state matching fund requirements for child care services provided for under Public Law 90-248.	
267—For grants to teachers of physically handicapped minors, Department of Education, to be expended in accordance with the provisions of Chapter 8.5 (commencing with Section 6875) of Division 6 of the Education Code---	150,000
268—For publishing, purchasing and shipping free textbooks, Department of Education -----	21,300,000
Schedule:	
(a) Personal Services -----	144,437
(b) Operating Expenses and Equipment -----	21,205,563
(c) Reimbursements -----	50,000
provided, that no money appropriated by this item shall be expended for the publishing, purchasing, and shipping of any textbook which is not included in the budget request submitted to the Governor for the 1970-71 fiscal year for the textbook phase of Department of Education operations, without prior approval of the Department of Finance; provided further, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.	
Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1969-70 or 1970-71 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished-book basis exceeds by	

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more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that the book submitted on a finished-book basis is clearly superior in quality and utility to others submitted on a leased-plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks.

Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1969-70 or 1970-71 fiscal years in which the unit price, including sales and use tax for any textbook submitted on a finished-book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the state on a leased-plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished-book basis.

For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased-plate basis and textbooks includes teachers' manuals or editions.

However, this appropriation shall be available, without regard to the foregoing conditions, to finance contracts for textbooks adopted as supplementary textbooks by the State Board of Education during the 1969-70 or 1970-71 fiscal year for which offers were received on both a leased-plate and finished-

Item	Amount
book basis if the State Board of Education accepts the lesser of the two offers.	
The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based. All changes shall be contained in a report by the Department of Education to the Joint Legislative Budget Committee prior to August 1, 1971.	
269—For assistance to public libraries. Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 15 (commencing with Section 27111) of Division 20 of the Education Code -----	1,000,000
270—For vocational education programs in public school districts, conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education Schedule:	1,030,271
(a) Payments to public school districts -----	30,932,000
(b) Federal grants -----	29,901,729
270.5—For support of community college extended opportunity programs. Board of Governors of the California Community Colleges, conducted under the provisions of Sections 25524 through 25528.7 of the Education Code; provided, that not more than \$150,000 may be used by the Board of Governors of the Community Colleges for the purpose of administering these programs -----	4,500,000
271—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System -----	91,000,000

HEALTH AND WELFARE

272—For transfer to the Health Care Deposit Fund to provide for Medical Assistance Program expenditures -----	484,481,514
provided that the amount authorized to be expended by this item shall fully cover the state's share of payments for services for the 1970-71 fiscal year as defined in the Welfare and Institutions Code; provided further, that	

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such additional amounts as may be determined by the Director of Finance as necessary to extend and administer Medical Assistance Program benefits to eligible mentally retarded persons under the care of the Department of Mental Hygiene are hereby appropriated in augmentation of this item and shall be transferred to the Health Care Deposit Fund from the General Fund upon the certification of the Director of Finance; provided further, that:

(a) Payments for the services of psychologists shall be made only when such services are provided by community mental health agencies, or by hospitals or other institutional providers that qualify for participation in the Medi-Cal program;

(b) Payments for services of special duty nurses shall be made when such services are performed in hospitals only and, further, only when such hospitals do not have an intensive care unit; and,

(c) There shall be a full scope of chiropractic services available to Group I Medi-Cal recipients as allowed in the State Schedule of Maximum Allowances; provided further, that the amount to be expended from the General Fund on the county option program under the provisions of Section 14150.1 of the Welfare and Institutions Code shall not exceed \$35,000,000 for the 1970-71 fiscal year, except that the Director of Finance may authorize the transfers of funds from this item to Item 275, not to exceed a total of \$500,000, in the event that a county electing coverage under Section 14150.1 of the Welfare and Institutions Code in the 1969-70 fiscal year does not so elect in the 1970-71 fiscal year; provided further, that upon recommendation of the Director of Health Care Services the Director of Finance may authorize the transfer of funds to Item 280(b) for Board and Care Rate Allowances; provided further that the Director of Finance, upon recommendation of the Director of Health Care Services may authorize the transfer of funds from this item to Item 112 (1) sufficient funds to meet the increased administrative costs resulting from state assumption of the operation of the counties Medi-Cal consultation authorization function provided for in Section 14119

Item	Amount
of the Welfare and Institutions Code and (2) an amount not to exceed a total program cost of \$1,800,000 to meet the increased administrative costs resulting from implementation of program adjustments.	
273—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 5 of the Welfare and Institutions Code -----	169,116,872
provided, that upon certification by the Department of Health Care Services of the amount of expenditures for services that have been rendered by local agencies under the provisions of Division 5 of the Welfare and Institutions Code to patients eligible for services under the California Medical Assistance Program, the Department of Finance may authorize the transfer of funds from this item to the Health Care Deposit Fund for the state's share of such expenditures.	
Provided further, that any portion of this item may be transferred to and in augmentation of Item 123, Budget Act of 1970, upon order of the Department of Finance.	
Provided further, that upon approval of the Department of Finance, the State Controller shall transfer to the Department of Rehabilitation such part of these appropriations that are related to the cooperative rehabilitation services program to match federal funds for the cooperative rehabilitation services program; provided further, that such transfer shall enable the state to make maximum utilization of available federal funds.	
274—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, in accordance with provisions of Sections 249 through 273 of the Health and Safety Code, Department of Public Health -----	13,618 400
Schedule:	
(a) Diagnosis -----	1,800,000
(b) Treatment -----	15,098,910
(c) Therapy Services -----	3,205,000
(d) Nonresident Care -----	30,000
(e) Administrative Allowance--	830,000
(f) Program Administration --	716,668
(g) Federal grants -----	-2,132,451
(h) Estimated repayments -----	-1,240,000

Item	Amount
(i) Estimated county funds -----4,689,727 provided, that the Department of Public Health shall have the authority to transfer funds between items in the schedule above to meet program needs with the approval of the Department of Finance; and provided further, that the allocations of funds shall be made in such a manner as to insure the availability of funds during the entire fiscal year 1970-71 within the limits of this appropriation.	
275—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health----- including an additional amount of five dollars and sixteen cents (\$5.16) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement of burial expenses in accordance with Section 3296 of the Health and Safety Code.	1,021,424
276—For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health-----	721,227
277—For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health -----	4,797,545
278—For assistance to local agencies in the establishment and operation of mental retardation diagnostic and counseling centers and for the purchase of care and treatment services for the mentally retarded in accordance with the provisions of Sections 415 through 416.2 of the Health and Safety Code, Department of Public Health ----- provided, that the Department of Public Health may enter into a contractual agreement with the Department of Mental Hygiene for the provision of preadmission, evaluation, and referral services until such time as local regional diagnostic and counseling centers, as authorized by the Legislature,	5,868,653

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are capable of providing these services; provided, further, that upon approval of the Director of Finance, the State Controller shall transfer to the appropriation for support of the Department of Social Welfare, Item 132, Budget Act of 1970, any funds not required pursuant to this item and such transfers shall be for purposes of placing mentally retarded patients residing in state hospitals in appropriate community facilities; provided further, that within the limits of this appropriation, the department shall operate a minimum of nine regional centers for the mentally retarded and their families to serve areas of the state authorized to be served by such centers.

Provided further, that all funds transferred to this item from Items 123 and 124 of this act shall be used to expand the mental retardation diagnostic and counseling program.

279—Notwithstanding the provisions of Sections 15200, 15201, 15202, 15203, and 15204 of the Welfare and Institutions Code, there is hereby appropriated the following sum for the state's share of public assistance programs as defined in Chapters 1, 2, 3, 4, 5, and 6 of Part 3 of Division 9 of the Welfare and Institutions Code -----634,846,200

provided, that the Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between the programs specified in the following schedule, when the need appears, but shall, subject to the provisions of this item, limit expenditures to the total of the following schedule:

Schedule:

- (a) Aid to the Blind----- 8,716,800
- (b) Aid to the Potentially Self-Supporting Blind ----- 655,000
- (c) Aid to the Needy Disabled. 117,687,300
- (d) Aid to Families with Dependent Children -----342,405,400
- (e) Old Age Security-----165,381,700

The Department of Social Welfare shall administer the public assistance programs so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code,

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without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1970-1971 fiscal year.

The limitations on amounts imposed by this item shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 132.

Provided further, that in order to avoid any resultant and inequitable increase in local property taxes, the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year, which are in excess of Budget Bill estimates for 1970-71 and funds necessary to make such expenditures are hereby appropriated in addition to any other appropriation contained in this item. Not later than the fifth legislative day following the submission of the Governor's Budget in the 1971 Regular Session of the Legislature, the Director of Finance shall report to the Legislature the amount, if any, by which the then current estimate of the amounts to be paid to the counties under the formulas set forth in Article 5 (commencing with Section 15200), Chapter 9, of Part 3 of Division 9 of the Welfare and Institutions Code for the fiscal year ending June 30, 1971, will exceed \$634,846.200. If such report is not required following submission of the Governor's Budget but the Director of Finance determines during the third quarter that the estimate of expenditures will exceed \$634,846.200, he shall so report to the Legislature prior to the end of the third quarter.

- 280—For the cost of the state share of homemaker or attendant care services for which federal grants-in-aid are made to the state, as specified in Section 11172 of the Welfare and Institutions Code, and for the cost of the state share of board and care rate allowances

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granted to recipients of public assistance, as described in Section 13900 of the Welfare and Institutions Code, who require a nonmedical protective living arrangement, Department of Social Welfare -----	40,820,700
Schedule:	
(a) Homemaker or Attendant	
Care Service -----	17,529,300
(b) Board and Care Rate Allow-	
ance -----	23,291,400
281—For the cost of the state share of Unmet Shelter Needs of public assistance recipients, Department of Social Welfare, to be transferred to and in augmentation of the appropriation authorized by Sections 15200 to 15204 inclusive, Welfare and Institutions Code, upon order of the Department of Finance ----- together with any grants made available by the federal government for this purpose.	1,500,000
282—For the cost of the state share of the work or training-connected expenses and day care services for which federal grants-in-aid are made to the state, as specified in Section 11451.5 of the Welfare and Institutions Code, Department of Social Welfare ----- provided, that expenditures are limited to persons certified by the Department of Human Resources Development as participants in the Work Incentive Program established pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.	1,168,381
283—For the cost of special social service programs for which federal grants-in-aid are made to the state; for cost of adult protective services by county welfare departments; for costs of pilot or experimental social service programs designed to improve public assistance programs; for costs of preschool compensatory education services at child care centers; for grants or services to local agencies for the extension of child welfare services; for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Section 16100 et seq. of the Welfare and Institutions Code; for costs incurred by counties and cities and counties in maintaining approved services for the licensing and inspection of agencies for child care and home finding and agencies for the care of the	

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aged, to be expended in accordance with the provisions of Sections 16004 and 16202 of the Welfare and Institutions Code; for in-service training and educational leave stipends to increase the supply of trained welfare personnel for county welfare departments; for the cost of local projects in the administration of public assistance and social services for children; and for the costs of statewide social services administration improvement programs, Department of Social Welfare ----- 9,354,088

Schedule:

- (a) Self-Support Program ----- 240,000
- (b) Family and Child Development Program ----- 16,480,253
- (c) Child Protection Program -- 2,054,729
- (d) Adoption Program ----- 13,895,770
- (e) Public Protection Program -- 928,800
- (f) Public Welfare Manpower Programs ----- 1,762,600
- (g) Demonstration Programs -- 1,164,456
- (i) Federal grants ----- 27,172,520

provided, that all or any portion of the amounts included in section (d) may be transferred to Item 132 of this act, for support of Department of Social Welfare, upon order of the Department of Finance.

RESOURCES

- 284—To pay the state's share of the cost of local participation in connection with small beach erosion projects, as provided by Section 335 2 of the Water Code, and administrative costs, City of Capitola, Santa Cruz County, Department of Navigation and Ocean Development ----- 125,000
- 285—For loans to cities, counties, or districts pursuant to Sections 70.2 and 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund ----- 3,610,000
- 285.1—For a loan to the City of Avalon, pursuant to Section 71.4 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund ----- 350,000
- Provided, that the loan shall be used solely for the purpose of entering a contract with

Item	Amount
the Department of Navigation and Ocean Development to construct or modify a steamer pier so as to equal the berthing facilities provided prior to 1969.	
286—For grants for construction and development of small craft launching facilities to cities, counties, or districts pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund -----	324,000
286.5—For grant for construction and development of small craft launching facility in Los Angeles Harbor to the City of Los Angeles pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund-----	350,000
286.6—For grants for construction and development of small craft launching facilities in Packers Bay to the County of Shasta pursuant to Section 83 of the Harbors and Navigation Code, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund-----	350,000
287—For allotment, pursuant to Section 663.7 of the Harbors and Navigation Code, for boating safety and enforcement programs, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund -----	120,000
288—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 70.2, 71.4, and 83 of the Harbors and Navigation Code, caused by emergency conditions, including but not limited to tidal waves or severe storms, as may be authorized by the Director of Finance, with the consent of the Governor, the sum of \$100,000, or as much thereof as may be necessary, payable from the Harbors and Watercraft Revolving Fund.	
289—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, for small flood control projects approved under Section	

Item	Amount
12750 of the Water Code, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, and administrative costs, Department of Water Resources -----	2,026,000
provided, that no expenditure shall be made until the local organizations give assurances that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.	

TRANSPORTATION

290—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund-----	1,100,000
The appropriation made by this item shall be available without regard to fiscal years.	

PROPERTY TAX RELIEF

291—For providing property tax assistance to claimants, in accordance with the provisions of the Senior Citizens Property Tax Assistance Law, Part 10.5 (commencing at Section 19501), of Division II of the Revenue and Taxation Code, Franchise Tax Board-----	9,000,000
292—For providing homeowners' property tax exemption, in accordance with the provisions of Chapter 1, Statutes of 1968, 1st Extraordinary Session (commencing at Section 32), State Controller -----	213,000,000

OTHER PURPOSES

293—For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code -----	9,533,772
provided that any funds which are expended due to vacancies in judgeships may	

Item	Amount
be expended by the Judicial Council for extra compensation, expenses and staff for judges assigned by the Chairman of the Judicial Council.	
294—For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, California State Disaster Office-----	56,000
The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
295—For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, and for payment of contracts pursuant to Section 13503(c) of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund -----	5,168,770
296—For contribution to counties for providing legal assistance to indigents charged with violation of state criminal law, in accordance with Section 987b of the Penal Code -----	775,000
297—For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943-----	500,000

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1970-71, 1971-72 and 1972-73 fiscal years, provided, that any funds appropriated specifically for minor projects shall be available only for the 1970-71 fiscal year. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

STATE BUILDING PROGRAM**GENERAL ADMINISTRATION**

Item	Amount
300—For capital outlay, Department of General Services, minor projects	201,700
301—For capital outlay, State Exposition and Fair Executive Committee, minor projects, payable from the State Fair Fund	12,500

CORRECTIONS

304—For capital outlay, Department of Corrections, statewide minor projects	110,000
306—For capital outlay, Department of the Youth Authority, statewide minor projects	170,000

EDUCATION

307—For capital outlay, Diagnostic School for Neurologically Handicapped Children, Northern California, minor projects	23,445
308—For capital outlay, Diagnostic School for Neurologically Handicapped Children, Southern California, minor projects	1,500
308.5—For capital outlay, School for the Deaf, Berkeley	25,000
Schedule:	
(a) Feasibility study and working drawings for kitchen rehabilitation	25,000
309—For capital outlay, School for the Deaf, Berkeley, minor projects	16,900
311—For capital outlay, School for the Deaf, Riverside, minor projects	29,700

HIGHER EDUCATION

313.5—For capital outlay, University of California, subject to approval of the State Public Works Board, payable from the Educational Fee Fund, to be allocated by the University of California for expenditure in accordance with	
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Item	Amount
the priority categories designated in the following schedule -----	0
Schedule:	
Priority I. Health Science Facilities:	
Universitywide:	
(a) Programming and advance planning -----	200,000
(b) Preliminary planning for 1971-72 projects -----	250,000
Davis Medical:	
(c) Preliminary planning and working drawings for medical sciences unit 1 -----	1,000,000
(d) Preliminary planning, working drawings for, construct and equip facilities at Sacramento Medical Center alterations, step 1 -----	250,000
(e) Preliminary planning for medical sciences unit 1, relocate vegetable crops field headquarters -----	32,000
(f) Preliminary planning for medical sciences unit 1, utilities and site development -----	30,000
Irvine Medical:	
(g) Preliminary planning, working drawings for, construct and equip medical surge facilities, Irvine Campus and Orange County Medical Center -----	300,000
(h) Preliminary planning for medical sciences unit 1, utilities and site development -----	36,000
(i) Preliminary planning for medical sciences unit 2, campus hospital -----	600,000
San Diego Medical:	
(j) Construct clinical sciences building -----	1,257,000
(k) Preliminary planning and working drawings for addition to University Hospital of San Diego County -----	281,000

Item	Amount
(l) Preliminary planning and working drawings for central chiller plant -----	54,000
(m) Preliminary planning for improvements to University Hospital of San Diego County, 1971-72 -----	27,000
San Francisco Medical:	
(n) Preliminary planning and working drawings for school of dentistry building -----	789,000
(o) Construct clinical faculty facilities at San Francisco General Hospital -----	243,000
(p) Preliminary planning for Moffitt Hospital addition --	357,000
(q) Preliminary planning for heating plant No. 2 -----	43,000
(r) Preliminary planning for clinics and medical sciences buildings alterations for School of Human Biology and Administration -----	64,000
Priority II. Construction, Equipment, and Alterations projects:	
Berkeley Campus:	
(aa) Construct and equip alterations and minor improvements -----	1,539,000
Davis Campus:	
(bb) Construct and equip alterations and minor improvements -----	902,000
(cc) Construct Wickson Hall addition -----	1,200,000
(dd) Working drawings for academic office building -----	156,000
Irvine Campus:	
(ee) Construct and equip alterations and minor improvements -----	97,000
(ff) Working drawings for mathematics building -----	175,000
Los Angeles Campus:	
(gg) Construct and equip alterations and minor improvements -----	727,000

Item	Amount
(hh) Working drawings for central utilities, central campus, step 1 -----	18,000
Riverside Campus:	
(ii) Construct and equip alterations and minor improvements -----	715,000
San Francisco Campus:	
(jj) Construct and equip alterations and minor improvements -----	86,000
San Diego Campus:	
(kk) Construct and equip alterations and minor improvements -----	1,028,000
(ll) Construct humanities building -----	4,556,000
(mm) Working drawings for third college, academic unit 1 -----	150,000
Santa Barbara Campus:	
(nn) Construct and equip alterations and minor improvements -----	389,000
(oo) Working drawings for learning resources center --	82,000
(pp) Working drawings for multiuse building -----	113,000
Santa Cruz Campus:	
(qq) Construct and equip alterations and minor improvements -----	334,000
(rr) Construct social sciences unit 1 -----	2,136,000
(ss) Working drawings for university library unit 2 -----	199,000
(tt) Working drawings for physical education facilities	143,000
(uu) Less unidentified reductions -----	5,813,000
Total of schedule -----	14,745,000

Item	Amount
Less estimated cash income from the 1970-71 Educational Fee Fund, allocated for capital outlay purposes by the Regents of the University of California -----	14,745,000
Net appropriation -----	0
317—For capital outlay, University of California, minor projects, payable from the Capital Outlay Fund for Public Higher Education	900,000
320—For capital outlay, Trustees of the California State Colleges, minor projects, to be allocated to the state colleges, payable from the Capital Outlay Fund for Public Higher Education—provided, that \$61,050 made by this appropriation is allocated to Chico State College, for the closure of First Street.	900,000
323—For capital outlay, California Maritime Academy -----	30,000
Schedule:	
(a) Equip library building -----	30,000
324—For capital outlay, California Maritime Academy, minor projects -----	47,400

HEALTH AND WELFARE

326—For capital outlay, Department of Mental Hygiene, minor projects -----	700,000
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RESOURCES

328—For capital outlay, Department of Conservation -----	137,393
Schedule:	
(a) Construct Eagle Lake Forest Fire Station -----	133,190
(b) Equip Eagle Lake Forest Fire Station -----	4,203
329—For capital outlay, Department of Conservation, minor projects -----	200,000
Notwithstanding the provisions of Section 2.2 of this act, the amount in this item for minor projects shall be available for expenditure during the 1970-71 and 1971-72 fiscal years.	
330—For capital outlay, Department of Water Resources, for Cherokee Canal restoration-----	80,000
332—For capital outlay, Air Resources Board, payable from the Motor Vehicle Fund-----	1,575,627
Schedule:	
(a) Construct and equip motor vehicle pollution control laboratory -----	1,575,627

TRANSPORTATION

Item	Amount
333—For capital outlay, Department of the California Highway Patrol, payable from the Motor Vehicle Fund -----	2,209,914
Schedule:	
(a) Construct new academy ----	2,768,663
(bx) Land acquisition for new academy -----	403,000
(c) Purchase of relocatable building—Academy—Sacramento	80,000
(d) Acquisition of substation facility—Los Banos -----	120,000
(e) Acquisition of office/warehouse building—San Diego	110,000
(f) Radio communications equipment—statewide -----	263,192
(g) Land acquisition for communications facility—Jarbo Gap -----	2,000
(h) Land acquisition for communications facility—Butcher Hill -----	3,200
(i) Preliminary planning -----	25,000
(ix) Purchase of leased facility—Porterville -----	80,000
(j) Federal reimbursements ----	1,645,141
334—For capital outlay, Department of the California Highway Patrol, minor projects, payable from the Motor Vehicle Fund -----	100,000
335—For capital outlay, Department of Motor Vehicles, payable from the Motor Vehicle Fund -----	3,165,600
Schedule:	
(a) Land acquisition for office building and parking facilities—Hawthorne -----	580,000
(b) Working drawings and construct office building and parking facilities—Whittier	534,500
(c) Working drawings for office buildings and parking facilities—Anaheim -----	35,000
(d) Working drawings and construct office buildings and parking facilities—Salinas--	377,200
(e) Grade, pave and landscape additional parking—Sacramento headquarters -----	157,000
(f) Construct office building and parking facilities—Westminster -----	528,700

Item	Amount
(g) Working drawings and construct office building and parking facilities—Sacramento Northeast -----	543,200
(i) Preliminary planning -----	10,000
(j) Land acquisition and construct additional parking facilities—Oakland -----	400,000

VETERANS AFFAIRS

336—For capital outlay, Veterans' Home of California, minor projects-----	125,000
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UNALLOCATED

337—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies ----- The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	50,000
338—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, payable from the Harbors and Watercraft Revolving Fund ----- The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.	10,000
339—For miscellaneous repairs, improvements and equipment, to be allocated to state agencies by the Department of Finance, upon approval of the State Public Works Board ----- provided, the amount appropriated in this item shall be available only for the 1970-71 fiscal year.	25,000

DISTRICT FAIR CONSTRUCTION PROGRAM

340—The sum of \$69,135 of the money appropriated by Section 19630 of the Business and Professions Code, for district agricultural fairs or citrus fairs and expositions, is hereby reappropriated from the Fair and Exposition Fund during the 1970-71 fiscal year for engineering services, Department of Agriculture.	
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WILDLIFE CONSERVATION PROGRAM

Item	Amount
341—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, minor projects -----	231,000

PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM

342—For capital outlay, Department of Navigation and Ocean Development, payable from the Harbors and Watercraft Revolving Fund--- Schedule:	373,035
(a) Castaic Reservoir, for development of boating and parking facilities -----	100,000
(b) Mokelumne River Berms, for land acquisition -----	25,500
(c) Silverwood Lake, for development of boating facilities	247,535
343—For capital outlay, Department of Navigation and Ocean Development, minor projects, payable from the Harbors and Watercraft Revolving Fund -----	145,415
344—For capital outlay, Department of Parks and Recreation ----- Schedule:	527,000
(ax) San Buenaventura State Beach, pier restoration ----	125,000
(b) Silverwood Lake, for development -----	402,000
344.2—For capital outlay, Department of Parks and Recreation, for development of access roads outside the boundaries of the Bidwell Canyon-Kelly Ridge Area of Oroville Reservoir State Recreation Area, as authorized by Assembly Bill No. 863 of the 1970 Regular Session of the Legislature, payable from the Highway Users Tax Fund -----	200,000
344.5—For capital outlay, Department of Parks and Recreation, San Clemente State Beach, for development -----	200,000
344.6—For working drawings for access road, Sawpit Canyon, Silverwood State Recreation Area, Department of Parks and Recreation---	110,385
345—For capital outlay, Department of Parks and Recreation, minor projects -----	617,800

Item	Amount
346—For capital outlay, Department of Parks and Recreation, for maintenance at Hearst San Simeon State Historical Monument, payable from funds accumulated under the provisions of Item 257, Budget Act of 1969 -----	100,000

CALIFORNIA WATER FACILITIES PROGRAM

347—For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1 and Sections 12570 through 12875 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto, the Department of Water Resources, services to Reclamation Board -----	1,120,000
Schedule:	

(a) Sacramento River and Tributaries Flood Control Project -----	77,000
(b) San Joaquin River and Tributaries Flood Control Project -----	127,500
(c) Fresno River Flood Control Project -----	70,000
(d) Chowchilla River Flood Control Project -----	50,000
(e) Sacramento River Bank Protection Project -----	610,500
(f) Cache Creek Settling Basin -----	185,000

Notwithstanding the provisions of Section 2.2 of this act, the amount in this item shall be available for expenditure only during the 1970-71 fiscal year; and provided further, that this item shall be exempt from the provisions of Section 7 of this act.

**STATE HIGHER EDUCATION CONSTRUCTION
BOND ACT PROGRAM**

SEC. 2.3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1970-71, 1971-72, and 1972-73 fiscal years for expenditure only for programs contemplated by the State Higher Education Construction Program Bond Act of 1966.

Item	Amount
347.5—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, payable from the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges----	8,653,000
Schedule:	
Chico State College:	
(a) Construct central chiller --	810,000
State College, Fullerton:	
(b) Construct utilities—1970 --	502,000
(c) Construct convert science building IV -----	190,000
State College, Hayward:	
(d) Construct utilities—1970 --	200,000
Humboldt State College:	
(e) Construct utilities—1970 --	114,000
State College, Long Beach:	
(f) Construct utilities—1970 --	350,000
Sacramento State College:	
(g) Working drawings for utilities—1970 -----	45,000
San Diego State College:	
(h) Construct central plant utilities—1970 -----	2,659 000
provided, that \$140,000 will not be included in the contract for this subitem. unless prior to the time of bidding, the trustees certify to the Director of Finance that the construction of the art building necessitates the inclusion of the \$140,000 chiller.	
San Francisco State College:	
(i) Construct life science building -----	780,000

Item	Amount
San Jose State College:	
(j) Construct utilities—1970 --	80,000
Sonoma State College:	
(k) Construct utilities—1970 --	210,000
Stanislaus State College:	
(l) Construct convert classroom building -----	127,000
(m) Construct science building	2,586,000

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.35. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1970-71, 1971-72 and 1972-73 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962 and the State Construction Program Bond Act of 1964. All such appropriations shall be paid out of the State Construction Program Fund.

CORRECTIONS

347.6—For capital outlay, Department of Corrections, payable from the State Construction Program Fund -----	250,400
Schedule:	
(a) Sewage plant modifications	250,400
347.7—For capital outlay, Department of the Youth Authority, payable from the State Construction Program Fund -----	412,715
Schedule:	
Preston School of Industry:	
(a) Replace sound security and telephone distribution system	196,715
(b) Electrical distribution and emergency power systems rehabilitation -----	216,000

EDUCATION

347.8—For capital outlay, School for the Deaf, Riverside, payable from the State Construction Program Fund -----	85,000
Schedule:	
(a) Working drawings for multihandicapped unit -----	85,000

HIGHER EDUCATION

Item	Amount
347.9—For capital outlay, University of California, subject to approval of the State Public Works Board, payable from the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California -----	5,278,434
Schedule:	
Davis Campus:	
(a) Construct campus storm drainage discharge -----	668,000
(b) Construct utilities and site development -----	854,000
Irvine Campus:	
(c) Construct utilities and site development -----	244,000
(d) Construct humanities-social sciences unit 1 conversion--	242,000
Los Angeles Campus:	
(e) Construct central steam plant expansion -----	449,000
Riverside Campus:	
(f) Construct utilities and site development -----	356,000
San Diego Campus:	
(g) Construct utilities and site development -----	239,000
(h) Working drawings for conversion of areas in Urey Hall	34,000
San Diego Medical:	
(i) Construct utilities and site development -----	128,000
(j) Construct improvements at University Hospital of San Diego County -----	961,000
San Francisco Medical:	
(k) Construct research laboratories, San Francisco General Hospital -----	215,000
(l) Construct second floor alterations in medical sciences building -----	120,000
(m) Construct clinics alterations for additional dental chairs	155,000

Item	Amount
Santa Barbara Campus:	
(n) Construct utilities and site development -----	359,000
Santa Cruz Campus:	
(o) Construct utilities and site development -----	254,434
347.10—For capital outlay, University of California, payable from the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the University of California -----	5,675,000
Schedule:	
Berkeley Campus:	
(a) Equip undergraduate library	450,000
(b) Equip life sciences building alterations -----	75,000
(c) Equip Cory Hall alterations	17,000
(cx) Equip mathematical sciences building -----	700,000
Davis Campus:	
(cxx) Equip physics unit 1 ----	500,000
(cxxx) Equip biological sciences unit 4 -----	400,000
(cxxxx) Equip chemistry addition -----	334,000
Davis Medical:	
(d) Equip facilities at Sacramento General Hospital, step 2 -----	135,000
(e) Equip veterinary medical facilities unit 2, experimental animal housing -----	75,000
(ex) Equip medical surge facilities -----	241,000
Irvine Campus:	
(f) Equip engineering unit 1 --	200,000
(g) Equip natural sciences unit 1 conversion -----	200,000
(h) Equip humanities-social sciences unit 1 conversion ----	100,000
Irvine Medical:	
(i) Equip medical surge facilities -----	342 000

Item	Amount
Los Angeles Campus:	
(j) Equip Dickson art center alterations for architecture --	60,000
Los Angeles Medical:	
(k) Equip hospital and clinics unit 1 alterations, step 2 --	300,000
Riverside Campus:	
(l) Equip library building alterations, step 2 -----	32,000
San Diego Campus:	
(m) Equip John Muir College, building 2B -----	281,000
(n) Equip central university library building, step 1 -----	130,000
(o) Equip John Muir College, buildings 2C and 2C' -----	220,000
(p) Equip John Muir College, building 2D -----	110,000
(q) Equip third college -----	100,000
San Diego Medical:	
(r) Equip improvements at University Hospital of San Diego County -----	39,000
(s) Equip improvements at University Hospital of San Diego County -----	70,000
(t) Equip remodel nursery/delivery suite at University Hospital of San Diego County	85,000
San Francisco Medical:	
(u) Equip school of nursing building -----	200,000
Santa Cruz Campus:	
(v) Equip alterations to existing facilities -----	79,000
(w) Equip applied sciences building -----	200,000

Notwithstanding the provisions of Section 2.35 of this act, the amount in this item shall be available for expenditure only during the 1970-71 fiscal year.

347.11—For capital outlay, Trustees of the California State Colleges, subject to the approval of the State Public Works Board, payable from

Item	Amount
the State Construction Program Fund; provided, that withdrawals shall be as required to meet current obligations as certified by the Trustees of the California State Colleges-----	8,760,000
Schedule:	
State College, Bakersfield:	
(a) Construct science building I	878,000
(b) Advance for federal share --	1,000,000
San Fernando Valley State College:	
(c) Construct library building --	5,882,000
(d) Advance for federal share --	1,000,000
347.12—For capital outlay, Trustees of the California State Colleges, to be allocated to the state colleges, payable from the State Construction Program Fund; provided, that withdrawals shall meet current obligations as certified by the individual state colleges-----	4,977,100
Schedule:	
State College, Bakersfield:	
(a) Equip initial buildings ----	463,000
Fresno State College:	
(b) Equip art building -----	150,000
(bx) Equip journalism program	10,000
State College, Fullerton:	
(c) Equip convert library third floor -----	124,000
(d) Equip administration-business administration building -----	282,000
(e) Equip art building -----	95,200
(f) Equip engineering building	116,400
State College, Hayward:	
(g) Equip science building ----	85,000
Humboldt State College:	
(h) Equip biological science addition -----	489,000
State College, Long Beach:	
(i) Equip library building II---	210,000
(j) Equip psychology building--	100,000
(k) Equip engineering building II -----	534,800

Item	Amount
State College, Los Angeles:	
(l) Equip classroom building 2	213,200
(m) Equip administration building addition -----	28,300
Sacramento State College:	
(n) Equip teacher education building -----	196,800
State College, San Bernardino:	
(o) Equip library classroom building -----	246,900
San Diego State College:	
(p) Equip library classroom building -----	427,500
San Francisco State College:	
(q) Equip library addition ----	400,000
San Jose State College:	
(r) Equip business classroom building -----	150,000
(s) Equip corporation yard ----	65,000
Sonoma State College:	
(t) Equip science building I ----	134,000
Stanislaus State College:	
(u) Equip performing arts complex -----	264,000
State Polytechnic College, Kellogg-Voorhis Campus:	
(v) Equip agriculture classroom addition -----	102,000
State Polytechnic College, San Luis Obispo Campus:	
(w) Equip remodel science building I -----	90,000

Notwithstanding the provisions of Section 2.35 of this act, the amount in this item shall be available for expenditure only during the 1970-71 and 1971-72 fiscal years.

HEALTH AND WELFARE

Item	Amount
347.13—For capital outlay, Department of Mental Hygiene, payable from the State Construction Program Fund -----	111,400
Schedule:	
Agnews State Hospital:	
(a) Remodel wards for mentally retarded patients -----	103,400
Napa State Hospital:	
(b) Equip wards for mentally retarded patients -----	8,000

JUNIOR COLLEGE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1970-71, 1971-72, 1972-73 fiscal years for expenditure only for the programs contemplated by the Junior College Construction Program Bond Act of 1968. All such appropriations shall be paid out of the State Construction Program Fund.

348—For capital outlay, Board of Governors of the California Community Colleges, to be allocated, subject to the prior approval of the State Public Works Board, by the Board of Governors of the California Community Colleges to the community college districts for expenditure by said community college districts, payable from the State Construction Program Fund -----	18,399,881
Schedule:	
Butte Junior College District, Butte College:	
(a) Construct site development_	627,515
(b) Construct off-site development -----	34,451
(c) Working drawings for physical education facilities-----	78,305
(d) Working drawings for life science and agriculture building -----	30,122
(e) Working drawings for physical science building-----	34,250
(f) Working drawings for engineering and technology building -----	34,809
(g) Working drawings for instructional materials center_	43,815

Item	Amount
Cabrillo Junior College District, Cabrillo College:	
(h) Construct access road, east boundary -----	29,471
Cerritos Junior College District, Cerritos College:	
(i) Construct physical education building addition -----	39,195
(j) Construct and equip physical education building (weight lifting) -----	89,065
Chaffey Union Junior College District, Chaffey College:	
(k) Construct and equip art patio -----	14,141
Citrus Junior College District, Citrus College:	
(l) Construct women's physical education locker and shower building -----	145,689
Contra Costa Junior College District, Diablo Valley College:	
(m) Equip engineering technology center -----	123,374
(n) Construct academic arts complex -----	868,192
East College:	
(o) Construct site development	271,000
(p) Working drawings for classroom—business building ---	13,070
(q) Working drawings for drama-music building -----	7,179
(r) Working drawings for graphic arts—personal services building -----	10,768
(s) Working drawings for instructional—student services building -----	6,566
(t) Working drawings for resource material center -----	16,196
(u) Working drawings for science building -----	10,943

Item	Amount
(v) Working drawings for student center-cafeteria -----	12,694
(w) Working drawings for technology building -----	9,630
Hartnell Joint Junior College District, Hartnell College:	
(x) Construct physical education complex -----	600,000
(y) Construct swimming pool--	76,939
(z) Construct drama-music building -----	476,319
Imperial Junior College District, Imperial Valley College:	
(aa) Construct multipurpose building completion -----	144,112
(bb) Construct agriculture and welding building -----	87,359
(cc) Equip agriculture and welding building -----	16,437
Kern Joint Junior College District, Bakersfield College:	
(dd) Equip library addition---	17,847
Porterville College:	
(ee) Construct science-mathematics facility -----	450,464
Lassen Junior College District, Lassen Junior College:	
(ff) Construct outdoor physical education facilities -----	354,967
(gg) Equip outdoor physical education facilities -----	14,287
(hh) Relocate portable buildings	60,558
(ii) Equip administration library and liberal arts building -----	25,129
(jj) Equip technical and vocational building -----	38,102
(kk) Equip gymnasium -----	27,335

Item

Amount

Long Beach Unified School
District, Long Beach City
College:

(ll) Construct science building 1,290,406
(mm) Equip technical education
building ----- 44,835

Los Angeles City Junior
College District, Los An-
geles Valley College:

(nn) Equip women's physical
education facility ----- 20,556

Los Rios Joint Junior Col-
lege District, American
River College:

(oo) Construct men's physical
education addition and al-
terations ----- 391,038

Marin Junior College Dis-
trict, College of Marin:

(pp) Equip science center ---- 175,675
(qq) Equip Harlan center ---- 39,206

Merced Junior College Dis-
trict, Merced College:

(rr) Construct library facility - 789,044

Napa Community College
District, Napa College:

(ss) Equip little theatre ----- 115,193

North Orange County Jun-
ior College District, Cy-
press College:

(tt) Equip science facility ----- 275,837
(uu) Equip business education
building ----- 197,508
(vv) Construct men's shower-
locker and vocational tech-
nology building ----- 940,486

Fullerton College:

(ww) Construct print shop re-
habilitation ----- 121,624

Item	Amount
Orange Coast Junior College District, Golden West College:	
(xx) Equip police science building -----	5,263
(yy) Equip theatre arts building -----	30,065
(zz) Equip food service building -----	7,426
Orange Coast College:	
(aaa) Equip physical education building -----	29,848
(bbb) Equip food service building -----	11,981
Peralta Junior College District, Alameda College:	
(ddd) Construct outdoor physical education facility -----	254,243
Merritt College:	
(eee) Construct gymnasium ---	343,258
Redwood Junior College District, College of the Redwoods:	
(fff) Construct student service center -----	572,157
Riverside Junior College District, Riverside City College:	
(ggg) Construct and equip music building addition ---	55,873
(hhh) Remodel and equip drama building remodeling -	21,616
(iii) Land acquisition -----	151,313
San Bernardino Junior College District, San Bernardino Valley College:	
(jjj) Equip humanities building	81,184
San Diego Unified School District, San Diego City College:	
(kkk) Land acquisition -----	614,940

Item	Amount
San Diego Mesa Campus:	
(lll) Equip central storage building -----	4,471
(mmm) Equip reading room addition -----	14,153
San Diego Miramar Campus:	
(nnn) Equip shop and class-room building -----	12,098
San Joaquin Delta Junior College District, San Joaquin Delta College:	
(ooo) Construct (PSI) campus_	1,974,817
San Jose Junior College District, Evergreen College:	
(ppp) Land acquisition -----	30,061
Piedmont College:	
(qqq) Land acquisition -----	82,773
San Luis Obispo County Junior College District, Cuesta College:	
(rrr) Equip physical education building (phase A)-----	19,313
(sss) Construct science center and forum building -----	646,464
Santa Barbara Junior College District, Santa Barbara City College:	
(ttt) Equip nursing education building -----	49,734
(uuu) Construct library remodel	36,962
(vvv) Equip library remodel--	21,748
Santa Monica Unified School District, Santa Monica City College:	
(www) Construct and equip art addition -----	172,017
Shasta-Tehama-Trinity Joint Junior College District, Shasta College:	
(xxx) Construct and equip outdoor playing fields -----	55,683

Item	Amount
Solano County Junior College District, Solano Junior College:	
(yyy) Construct library complex	919,812
(zzz) Equip library complex ---	77,408
State Center Junior College District, Fresno City College:	
(aaaa) Land acquisition -----	455,985
(bbbb) Equip library addition --	20,060
(cccc) Construct library alterations -----	190,147
Reedley College:	
(dddd) Construct utilities, electrical power center -----	60,569
(eeee) Construct library building, step I -----	404,880
Sweetwater Junior College District, Southwestern Campus:	
(ffff) Construct counseling center and alterations -----	188,840
West Valley Joint Junior College District, West Valley College (Saratoga):	
(gggg) Equip language arts-social science building -----	54,720
(hhhh) Land acquisition, utility easements -----	1,291
(iiii) Construct sewer line -----	26,452
(jjjj) Construct library building	692,823
(kkkk) Construct humanities and fine arts building -----	859,714
(ull) Construct physical education facility -----	1,412,352
Yuba Junior College District, Yuba College:	
(mmmm) Construct agriculture center -----	93,664
(nnnn) Anticipated federal reimbursements -----	-1,700,000

**STATE BEACH, PARK, RECREATIONAL AND HISTORICAL
FACILITIES BOND ACT PROGRAM**

SEC. 2.5. The following sums of money, or so much thereof, as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1970-71 fiscal year beginning July 1, 1970, and ending June 30, 1971. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities Fund in the State Treasury. The provisions contained in paragraphs 2 and 3 of Section 2.5 of the Budget Act of 1969 with respect to the financing of projects included or not included within priorities I through IV, as specified, shall have no further force or effect.

Item	LOCAL ASSISTANCE	Amount
349—For project review, Department of Parks and Recreation, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----		95,598
Schedule:		
(a) Project review for purposes set forth in Section 5096.15(d) of the Public Resources Code -----		81,622
(b) Federal funds for project review pursuant to provisions of Section 5096.26 of the Public Resources Code--		13,976
provided, that federal funds shall be available for expenditure only after the state has been notified in writing by the federal government that federal funds are available to the state for expenditure and are deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund.		
349.1—For grants to counties, cities or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, the sum of four million four hundred ninety thousand eight hundred eighty-six dollars (\$4,490,886) is hereby appropriated to the Department of Parks and Recreation from the State Beach, Park, Recreational, and Historical Facilities Fund for encumbrance during the 1970-71 and 1971-72 fiscal years for local grants ----		4,490,886
Schedule:		
(a) City of Ione, Charles S. Howard Memorial Park, for development -----		37,500

Item	Amount
(b) City of Jackson, Kennedy Mine Tailing Wheels Regional Park, for development	37,500
(c) 39th District Agricultural Association, Frog Town Recreation Development, for development -----	75,000
(d) County of Colusa, Letts Valley Recreation Area, for development -----	75,000
(e) East Bay Regional Park District, Mines Area Regional Park, for acquisition -----	250,000
(f) County of Del Norte, Florence Keller Regional Park Addition, for development...	506
(g) County of El Dorado, El Dorado County Historical Museum, for development...	104,850
(h) County of Fresno, Kings River Green Belt Recreation Park Addition, for acquisition -----	95,319
(i) County of Glenn, Ordbend Park, for acquisition and development -----	75,000
(j) County of Humboldt, Big Lagoon Park, for acquisition and development -----	121,200
(k) County of Humboldt, Clam Beach Park, for development -----	75,000
(l) County of Imperial, Heber Beach Sand Dunes, for development -----	30,000
(m) County of Imperial, Niland Marina, for development ---	53,500
(n) County of Imperial, Palo Verde Park, for development -----	5,000
(o) County of Imperial, Red Hill Marina, for development -----	7,500
(p) County of Imperial, Sunbeam Lake, for development	25,000
(q) County of Imperial, Wiest Lake Recreational Area, for development -----	20,000
(r) County of Inyo, East Bishop Lake and Park, for development -----	75,000

Item	Amount
(s) County of Kern, Buena Vista Aquatic Recreation Area, for development -----	359,220
(t) County of Kings, Corcoran Regional Park, for development -----	39,200
(u) County of Kings, Laton-Kingston Regional Park Development, for development..	50,000
(v) County of Lassen, Bieber Park, for development -----	16,250
(w) County of Lassen, Clear Creek Park, for development -----	16,250
(x) County of Lassen, Janesville Park, for development	20,250
(y) City of Susanville, Susanville Park, for development	22,250
(z) City of Los Angeles, Chatsworth Park Addition, for acquisition -----	9,602
(aa) County of Los Angeles, Whittier Narrows Dam Recreation Area, for development -----	163,661
(bb) City of Madera, Town and Country Park, for acquisition and development -----	75,000
(cc) County of Marin, Stafford Lake, for development.....	69,650
(dd) County of Mariposa, Fremont Fort Complex, for acquisition and development..	75,000
(ee) City of Merced, Bear Creek Parkway, for development..	12,095
(ff) County of Merced, Henderson Park, for development..	29,900
(gg) County of Merced, Lake Yosemite Park Addition, for acquisition -----	11,705
(hh) County of Mono, Mono County Recreation Park, for development -----	75,000
(ii) County of Orange, O'Neill Regional Park, for development -----	21,307
(jj) City of Riverside, Fairmount Park, for development.....	90,000
(kk) County of Riverside, Lake Cahuilla Regional Park, for development -----	135,058

Item	Amount
(ll) County of Riverside, Prado Basin Regional Park, for development -----	182,553
(mm) County of Sacramento, American River Parkway—Watt Avenue to Campus Commons Area, for acquisition -----	87,300
(nn) County of Sacramento, Orangevale Community Park, for acquisition -----	27,750
(oo) County of Sacramento, Rio Linda Central Park, for development -----	10,125
(pp) County of San Bernardino, Cucamonga-Guasti Regional Park, for development -----	300,000
(qq) County of San Bernardino, Warm Creek Regional Park, for development -----	225,000
(rr) County of San Luis Obispo, Atascadero County Park, for acquisition and development -----	40,000
(ss) County of Santa Barbara, Los Alamos County Park, for development -----	15,000
(tt) County of Santa Barbara, Santa Ynez Valley Park, for acquisition -----	35,000
(uu) County of Santa Barbara, Waller County Park, for development -----	45,900
(vv) City of Anderson, Anderson River Park Addition, for acquisition and development -----	17,500
(ww) City of Loyalton, Loyalton Recreation Project, for development -----	75,000
(yy) Greater Vallejo Recreation District, Hunter Hill Regional Park, for acquisition and development -----	82,000
(zz) City of Vacaville, Lagoon Valley Regional Park, for acquisition and development -----	75,500
(aaa) County of Solano, Lake Solano Park, for acquisition -----	109,150
(bbb) City of Fairfield, Rockville Hills Park, for development -----	60,000

Item	Amount
(ccc) County of Sonoma, Stillwater Cove Park, for acquisition -----	83,235
(ddd) City of Modesto, Tuolumne River Regional Park, for acquisition -----	50,150
(eee) County of Sutter, Feather River County Park, for acquisition and development ..	37,000
(fff) County of Tulare, Kings River Regional Park, for acquisition -----	103,000
(ggg) Tuolumne Park, Parkways, and Recreation District, Basin Creek Park, for development -----	20,000
(hhh) County of Tuolumne, Columbia Airport Park, for development -----	55,000
(iii) County of Yolo, Canyon Regional Park, for acquisition and development	89,085
(jjj) County of Yolo, Elkhorn Regional Park, for acquisition -----	116,565
(kkk) Yuba County Water Agency, Bullards Bar Reservoir, for acquisition and development -----	94,800
(lll) City of Susanville, Susanville Park, for development ..	20,727
(mmm) County of Mono, Mono County Recreation Park, for development	72,030
(nnn) County of Riverside, Lake Cahuilla Regional Park, for development -----	129,656
(ooo) County of San Bernardino, Cucamonga-Guasti Regional Park, for development and acquisition -----	166,500
(ppp) City of Modesto, Tuolumne River Regional Park, for acquisition -----	50,176
(qqq) County of Sutter, Feather River Park, for acquisition ..	15,399
(rrr) County of Yolo, Canyon Regional Park, for acquisition -----	54,415
(sss) Anticipated federal reimbursements -----	-508,903

Item	Amount
provided, that any agreements entered into by the Department of Parks and Recreation with these local governmental entities shall contain a provision conditioning the grant on the availability of money in the State Beach, Park, Recreational and Historical Facilities Fund pursuant to the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.	
PARKS AND RECREATION ACQUISITION AND DEVELOPMENT PROGRAM	
350—For capital outlay, Department of Parks and Recreation, for the purposes set forth in Sections 5096.15(a) and 5096.15(b) of the Public Resources Code, payable from the State Beach, Park, Recreational and Historical Facilities Fund -----	134,772
Schedule:	
(a) For project planning under provisions of Section 5096.15(b) of the Public Resources Code -----	134,772

REAPPROPRIATIONS

- 351—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 362(a), 362(b), 362(c), Budget Act of 1965, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available for expenditure until June 30, 1971.
- 352—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 423(a), 423(c), 423(g), 423(h), 423(i), 423(m), 423(q), 423(r), 423(t), Budget Act of 1966, are reappropriated for the purposes and with the same limitations provided for in said appropriation and shall be available until June 30, 1971.
- 353—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 424(c), Budget Act of 1966, as amended by Item 431.5, Budget Act of 1969, is reappropriated for the same purpose and shall be available until June 30, 1971; provided, that the State Public Works Board shall not approve funds for construc-

Item	Amount
tion of any facilities financed from this item or from any other source until the Department of Parks and Recreation has prepared a master plan development report substantially as outlined on pages 772 and 773 of the Budget Analysis for 1969-70 and such report has been approved by the Parks and Recreation Commission.	
354—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 423(f), Budget Act of 1966, as reappropriated by Item 431, Budget Act of 1969, is reappropriated for the purpose provided for in said appropriation and shall be available until June 30, 1971.	
355—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 343.6(a), Budget Act of 1967, is reappropriated for the purpose provided for in said appropriation, except that in lieu of the conditions contained in Item 343.6(a) of the Budget Act of 1967, no funds shall be expended on this project until an agreement is entered between the Department of Parks and Recreation and some local organization requiring all nonstate funds collected for the extension of Torrey Pines State Park to be placed in the State Park Contingency Fund for expenditure on this project. This appropriation shall be available until June 30, 1971.	
356—Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of Items 343.7(b), 343.7(c), 343.7(e), Budget Act of 1967, are reappropriated for the purposes provided for in said appropriation and shall be available for expenditure until June 30, 1971.	
357—Notwithstanding any other provisions of law, the undisbursed balance, on the effective date of this act, of Item 425.5, Budget Act of 1969, is reappropriated for the purposes and with the same limitations provided in said appropriation with the exception that bond sale proceeds shall not be applied as repayment under Item 425.5 where the proceeds were obtained from bond sales resulting from successful negotiations for the acquisition of real property, capital outlay or local assistance projects.	

REVERSIONS

Item	Amount
358—As of June 30, 1970, the undisbursed balances of the appropriations made by Items 418(f), 418(n), 418(dd), Budget Act of 1966, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
359—As of June 30, 1970, the undisbursed balances of the appropriations made by Items 341(j), 341(gg), 341(mm), 341(yy), Budget Act of 1967, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
360—As of June 30, 1970, the undisbursed balances of the appropriations made by Items 370(d), 370(q), 370(s), 370(t), Budget Act of 1968, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	
361—As of June 30, 1970, the undisbursed balances of the appropriations made by Items 418(b), 418(n), 418(y), 418(mm), 418(uu), 418(vv), 418(ww), 418(xx), and 418(yy), Budget Act of 1969, shall revert to the unappropriated balance of the State Beach, Park, Recreational, and Historical Facilities Fund.	
362—As of June 30, 1970, the amount of \$22,000 of the appropriation made by Item 418(c), Budget Act of 1969, shall revert to the unappropriated balance of the State Beach, Park, Recreational and Historical Facilities Fund.	

GENERAL SECTIONS

SEC. 4. Notwithstanding any other provisions of this act, no appropriations made herein, or funds obtained from any other source, over \$3,000 may be expended by any state entity for expansion, improvement or addition to electronic data processing activities, personnel, equipment, facilities or supplies during fiscal year 1970-71, or any expenditure budgeted for fiscal year 1971-72 for electronic data processing activities, personnel, equipment, facilities and supplies unless the Director of the Office of Management Services certifies that the criteria and procedures set forth in the Supplementary Report of the Committee on Conference have been met and followed.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1970-71 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1970, by incurring obligations to be paid after June 30, 1970; and in addition, any appropriation for expenditure provided by the Budget

Act of 1971 during the 1971-72 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1971, by incurring obligations to be paid after June 30, 1971.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1971-72 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of two million dollars (\$2,000,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund or the State Highway Fund or appropriations to the Board of Governors of the California Community Colleges for allocation to the community college districts shall be subject to the provisions of the Property Acquisition Law.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8. No money appropriated herein in any item for capital outlay may be expended by any state agency, including the University of California, the State Colleges and the Community Colleges, except amounts for acquisition of land or other real property, amounts needed for equipment, minor projects and amounts appropriated specifically for preliminary surveys, studies and planning until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such item of appropriation for capital outlay with the exception that Community College approvals by the Public Works Board will apply only to the allocation of State Capital Outlay Funds appropriated heretofore and hereafter by the Legislature; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans

shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance.

Nothing in this section shall be construed to limit or control the Department of Public Works in the expenditure of State Highway Fund money appropriated for capital outlay purposes.

The Department of Public Works shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for federal assistance programs for capital outlay purposes, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects for the purpose of augmenting those projects without prior approval of the State Public Works Board of the requested augmentations. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

SEC. 10. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropria-

tions, and shall be available for expenditure until June 30, 1971:

Department of the Youth Authority:

Item 316, Budget Act of 1969

Board of Governors of the California Community Colleges:

Item 332(r), Budget Act of 1967

University of California:

Item 403(uuu), Budget Act of 1966

Item 404(q), Budget Act of 1966

Item 334(d), Budget Act of 1967

Item 334(j), Budget Act of 1967

Item 334(ff), Budget Act of 1967

Item 378(d), Budget Act of 1969

Item 378(f), Budget Act of 1969

Item 378(g), Budget Act of 1969

Item 378(h), Budget Act of 1969

Item 378(j), Budget Act of 1969

Item 378(k), Budget Act of 1969

Item 378(n), Budget Act of 1969

Item 378(o), Budget Act of 1969

Item 378(p), Budget Act of 1969

Item 378(q), Budget Act of 1969

Item 378(r), Budget Act of 1969

Item 378(v), Budget Act of 1969

Item 378(w), Budget Act of 1969

Item 378(x), Budget Act of 1969

Item 379, Budget Act of 1969

State Colleges:

Trustees of the California State Colleges:

Item 407(a), Budget Act of 1966

Item 408.5, Budget Act of 1966

Item 337(b), Budget Act of 1967

Item 330(b), Budget Act of 1968

Chico State College:

Item 339(a), Budget Act of 1967

Item 339(b), Budget Act of 1967

Item 339(c), Budget Act of 1967

Item 339(e), Budget Act of 1967

Item 339(g), Budget Act of 1967

Item 339(j), Budget Act of 1967

State College, Dominguez Hills:

Item 409(n), Budget Act of 1966

Item 409(o), Budget Act of 1966

Item 339(l), Budget Act of 1967

Item 339(m), Budget Act of 1967

Item 339(o), Budget Act of 1967

Fresno State College:

Item 339(q), Budget Act of 1967

State College, Fullerton:

Item 408(o), Budget Act of 1966

Item 339(t), Budget Act of 1967

State College, Hayward:

Item 339(x), Budget Act of 1967

Humboldt State College:

Item 352(t), Budget Act of 1965

Item 408(z), Budget Act of 1966

Item 339(bb), Budget Act of 1967

Item 339(ff), Budget Act of 1967

State College, Long Beach:

Item 408(ff), Budget Act of 1966

Item 339(jj), Budget Act of 1967

Item 339(kk), Budget Act of 1967

Item 339(ll), Budget Act of 1967

Item 385(i), Budget Act of 1969

State College, Los Angeles:

Item 353(y), Budget Act of 1964

Item 352(aa), Budget Act of 1965

Item 339(qq), Budget Act of 1967

Item 339(ss), Budget Act of 1967

Sacramento State College:

Item 408(pp), Budget Act of 1966

Item 339(uu), Budget Act of 1967

Item 339 (zz), Budget Act of 1967

State College, San Bernardino:

Item 352(jj), Budget Act of 1965

Item 352(kk), Budget Act of 1965

Item 339(bbb), Budget Act of 1967.

San Diego State College:

Item 352(ss), Budget Act of 1965

Item 408(bbb), Budget Act of 1966.

Item 339(hhh), Budget Act of 1967.

San Fernando Valley State College:

Item 339(jjj), Budget Act of 1967

San Francisco State College:

Item 352(wwx), Budget Act of 1965

Item 408(ggg), Budget Act of 1966

San Jose State College:

Item 352.1(b), Budget Act of 1965

Item 353(c), Budget Act of 1965

Item 408(nnn), Budget Act of 1966

Item 339(ppp), Budget Act of 1967

Sonoma State College:

Item 408(uuu), Budget Act of 1966

Item 408(vvv), Budget Act of 1966

Stanislaus State College:

Item 339(vvv), Budget Act of 1967

State Polytechnic College, Kellogg-Voorhis Campus:

Item 408 (gggg), Budget Act of 1966

State Polytechnic College, San Luis Obispo Campus:

Item 353(bbbb), Budget Act of 1964

Item 408(cccc), Budget Act of 1966

Department of Finance:

Chapter 1052, Statutes of 1969

Department of Conservation:

Item 324(b), Budget Act of 1964

Item 336(b), Budget Act of 1965

Item 386(a), Budget Act of 1966

Department of Fish and Game:

Item 327(a), Budget Act of 1967

Department of Navigation and Ocean Development:

Item 287, Budget Act of 1967

Item 350(a), Budget Act of 1969

Item 350(b), Budget Act of 1969

Department of Parks and Recreation:

Item 406.8(a), Budget Act of 1963

Item 406.8(r), Budget Act of 1963

Item 338(cc), Budget Act of 1965

Item 398(v), Budget Act of 1966

Item 398(y), Budget Act of 1966

Item 399(e), Budget Act of 1966

Department of Water Resources:

Item 349, Budget Act of 1969

Department of Motor Vehicles:

Item 333(j), Budget Act of 1965

Item 321(a), Budget Act of 1967

Item 321(d), Budget Act of 1967

Item 321(e), Budget Act of 1967

Item 321(h), Budget Act of 1967

Item 321(j), Budget Act of 1967

SEC. 10.1. As of June 30, 1970, the unexpended balance of the appropriation made by Item 305, Budget Act of 1969, shall revert to the unappropriated balance of the General Fund.

As of July 1, 1970, the amount reverted as of June 30, 1970, for Item 305, Budget Act of 1969, is reappropriated and shall be available until June 30, 1971, and may be expended on written authorization of the Department of Finance issued on or before said date, for emergencies, within the meaning of said item, occurring during the 1969-70 fiscal year.

SEC. 10.2. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations made by Item 398(k), Budget Act of 1966, and Item 358(e), Budget Act of 1968, are reappropriated until June 30, 1971, for the purposes provided for in said appropriations and, in addition, shall be available for expenditure for sanitary facilities at Doheny State Beach.

SEC. 10.3. Notwithstanding any other provisions of law, the undisbursed balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in such citations, and shall be available for expenditure until June 30, 1972:

Department of the Youth Authority:

Item 331(c), Budget Act of 1967

Item 372(a), Budget Act of 1969

Item 372(b), Budget Act of 1969

SEC. 10.5. Notwithstanding any other provisions of law, the unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, Section 11.4, Budget Act of 1967, Section 10, Budget Act of 1968, Chapter 52, Statutes of 1969, and Section 10, Budget Act of 1969, is reappropriated to the Department of Finance and shall remain available for expenditure pursuant to the Emergency Flood Relief Law without regard to fiscal years.

SEC. 10.6. The unencumbered balance of the revenues appropriated by Section 12.3 of Chapter 138 of the 1964 First Extraordinary Session of the Legislature, as added by Chapter 155 of the Statutes of the 1966 First Extraordinary Session of the Legislature, is hereby reappropriated to the Southern California Rapid Transit District for the purposes specified in such section.

SEC. 10.7. Notwithstanding any other provisions of law, \$40,000 of the appropriation made by Item 160, Budget Act of 1969, as augmented by Chapter 1510, Statutes of 1969, is hereby reappropriated for transfer to and in augmentation of Item 125, Budget Act of 1970, to be expended for the same purpose in the 1970-71 fiscal year.

SEC. 10.9. As of June 30, 1970, the appropriation made by Item 332(g), Budget Act of 1967, is reappropriated until June 30, 1971 and, in addition, \$63,648 shall be available for construction of an offsite sewer and offsite water development.

SEC. 10.10. As of June 30, 1970, the unexpended balance of the appropriation made by Item 336(e), Budget Act of 1968, is reappropriated for the same purpose; and in addition, shall be available for air-conditioning wards, phase II, Porter-ville State Hospital.

SEC. 10.11. On the effective date of this act, the unexpended balance of the appropriation made by Items 386(k) and (l), Budget Act of 1966, is hereby reappropriated until June 30, 1971; and in addition, shall be available for acquisition of the Garberville Forest Fire Station.

SEC. 10.12. On the effective date of this act, \$2,000,000 of the unexpended balance of the appropriation made by Item 93, Budget Act of 1970, is reappropriated for the purpose of the purchase of library books and book processing and shall be available until June 30, 1972.

SEC. 10.13. On the effective date of this act, the unexpended balance of the appropriation made by Item 367(g), Budget Act of 1966, is hereby reappropriated until June 30, 1971; and in addition, shall be available for expenditure for lighting of the dome.

SEC. 11. As of June 30, 1970, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Supreme Court of California:

Chapter 1368, Statutes of 1968

California Heritage Preservation Commission:

Chapter 1102, Statutes of 1968

Department of Education:

Chapter 1198, Statutes of 1969

Chapter 1577, Statutes of 1969

Chapter 1596, Statutes of 1969

Chapter 1617, Statutes of 1969

Board of Equalization:

Chapter 1012, Statutes of 1968

Department of Social Welfare:

Chapter 879, Statutes of 1968

Chapter 1313, Statutes of 1968

SEC. 11.1. As of June 30, 1970 the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education:

University of California:	Amount
Item 327(b), Budget Act of 1968.....	\$482,000
Item 327(f), Budget Act of 1968.....	69,000
Item 377(n), Budget Act of 1969.....	4,813,000
Item 377(t), Budget Act of 1969.....	80,000
Item 377(w), Budget Act of 1969.....	3,557,000
Item 378(h), Budget Act of 1969.....	50,000
Item 383(m), Budget Act of 1969.....	11,290,000

SEC. 11.2. As of June 30, 1970, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Board of Governors of the California Community Colleges:

Item 369(zxx), Budget Act of 1968

Department of the Youth Authority:

Item 402.5, Budget Act of 1966

SEC. 11.22. As of June 30, 1970, the undisbursed balance of the appropriation provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Trustees of the California State Colleges:

Chico State College:

Item 339(h), Budget Act of 1967

State College, Long Beach:

Item 339(pp), Budget Act of 1967

Sacramento State College:

Item 339(aaa), Budget Act of 1967

State College, San Bernardino:

Item 339(ccc), Budget Act of 1967

San Diego State College:

Item 339(eee), Budget Act of 1967

San Francisco State College:

Item 339(kkk), Budget Act of 1967

San Jose State College:

Item 409(w), Budget Act of 1966

Item 339(ooo), Budget Act of 1967

Item 339(qqq), Budget Act of 1967

Sonoma State College:

Item 409(z), Budget Act of 1966

Item 339(ttt), Budget Act of 1967

California State Polytechnic College, San Luis Obispo Campus:

Item 339(dddd), Budget Act of 1967

SEC. 11.3. As of June 30, 1970, the amounts set forth opposite the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

Board of Governors of the California Community Colleges:

	Amount
Item 332(e), Budget Act of 1967-----	\$58,700
Item 332(p), Budget Act of 1967-----	37,105
Item 369(t), Budget Act of 1968-----	91,851
Item 369(u), Budget Act of 1968-----	13,778
Item 369(v), Budget Act of 1968-----	44,682
Item 369(uu), Budget Act of 1968-----	42,844

SEC. 11.5. As of June 30, 1970, \$26,914,886 of the appropriation provided by Item 417, Budget Act of 1969, having been replaced by \$26,914,886 pursuant to Chapter 784, Statutes of 1969, shall revert to the unappropriated balance of the State Construction Program Fund.

SEC. 11.6. As of June 30, 1970, \$2,500,000 of the appropriation provided by Item 417, Budget Act of 1969, having been reimbursed by federal grants, shall revert to the unappropriated balance of the State Construction Program Fund (reserve account).

SEC. 11.7. As of June 30, 1970, \$36,807 of the appropriation provided by Item 417(tttt), Budget Act of 1969, shall revert to the unappropriated balance of the State Construction Program Fund (reserve account).

SEC. 11.8. As of July 1, 1970, the appropriation made by Chapter 1495, Statutes of 1969, shall revert to the unappropriated balance of the General Fund.

SEC. 11.9. As of June 30, 1970, \$3,000,000 of the appropriation from the General Fund, provided by Chapter 52, Statutes of 1969, shall revert to the unappropriated balance of the General Fund.

SEC. 11.10. As of June 30, 1970, \$4,000,000 of the appropriation made by Item 349, Budget Act of 1969, shall revert to the unappropriated balance of the General Fund.

SEC. 12. On the effective date of this act, all amounts held in reserve pursuant to Section 18460 of the Education Code which were not reverted by Section 12 of the Budget Act of 1968, shall revert to the unappropriated balance of the General Fund and shall be available for any appropriation made therefrom.

SEC. 16. The University of California having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Item 313, Budget Act of 1970, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Item 313, Budget Act of 1970, notwithstanding any other provisions of law, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

SEC. 17. The Trustees of the California State Colleges having made applications for federal grant funds which would reimburse in whole or in part any appropriation made by Item 322, Budget Act of 1970, any state-appropriated funds thereby released, equal in amount to federal grants made to any project in Item 322, Budget Act of 1970, notwithstanding any other provisions of law, may be used as a source of funding for Item 322.5, Budget Act of 1970; and provided, that any state funds released by federal grants in excess of those needed for Item 322.5, Budget Act of 1970, shall revert to the unappropriated balance of the Capital Outlay Fund for Public Higher Education.

For the purposes of complying with this section, the State Controller shall consider a written federal grant commitment as adequate for the release of state funds.

SEC. 18. The Director of Finance may direct the transfer of such unexpended balances of appropriations and of other funds available for use in connection with any function or agency affected by a reorganization plan submitted to the Legislature pursuant to Article 7 (commencing with Section 12070) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code when the plan becomes effective pursuant to Section 12075 of the Government Code, as he deems necessary by reason of the reorganization, for use in connection with the functions affected by the reorganization, or for the use of the agency which has such functions after the reorganization plan is effective; provided that, unexpended balances so transferred shall be used only for the purpose for which the appropriation was originally made.

SEC. 18.9. The sum of \$90,000,000 reserved by Section 153 of Chapter 963, Statutes of 1967, is appropriated together with other funds available therefor, for the purposes of capital outlay under items contained within Section 2.2 of this act, including, but not limited to, Item 312 of this act.

SEC. 18.10. The unappropriated balance of the \$90,000,000 in revenues made available by Section 153, Chapter 963, Statutes of 1967, for capital outlay purposes, as of June 30, 1971, is appropriated for all General Fund purposes and shall be transferred to the General Fund on June 30, 1971.

SEC. 19. On or before September 30, 1970, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of \$6,472,197 as of June 30, 1970.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1970-71 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1971-72 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Employment Contingent Fund, which at any time during the 1970-71 fiscal year exceeds \$1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.2. The additional surplus in the State School Fund transferred in the 1969-70 fiscal year by the State Controller after June 1, 1970 to the State Construction Program Fund in accordance with the provisions of Chapter 784, Statutes of 1969, is hereby appropriated for transfer by the State Controller during the 1970-71 fiscal year to the State School Fund. In addition, during both the 1969-70 fiscal year and the 1970-71 fiscal year, the transfer of funds authorized by subdivision (c) of Section 17301 of the Education Code shall be inoperative.

SEC. 19.22. \$16,564,322 of the amount transferred to the State Construction Program Fund, in accordance with the provisions of Chapter 784, Statutes of 1969, is hereby appropriated for transfer by the State Controller to the State School Fund.

SEC. 19.23. There is hereby appropriated \$31,700,000 for transfer by the State Controller upon order of the Director of Finance during the 1970-71 fiscal year from the Capital Outlay Fund for Public Higher Education to the General Fund.

SEC. 19.24. The unencumbered balance in the Driver Training Penalty Assessment Fund, as of June 30, 1970, is hereby appropriated for transfer by the State Controller to the State School Fund.

SEC. 19.3. There is hereby appropriated \$18,000,000 for transfer by the State Controller during the 1970-71 fiscal year from the Motor Vehicle Transportation Tax Fund to the State School Fund.

SEC. 19.4. On the effective date of this act, \$250,000 of the unencumbered balance of the Judges' Retirement Fund is hereby appropriated for transfer by the State Controller to the unappropriated surplus of the General Fund.

SEC. 19.5. There is hereby appropriated \$90,298 for transfer to the General Fund by the State Controller on or before August 1, 1970, from the Service Revolving Fund.

SEC. 19.6. (a) Since the State Scholarship Commission must announce in the spring of 1971, those individuals to whom state scholarship awards and graduate fellowship awards will be granted for the following fall semester of 1971 and, since the Budget Act of 1971 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations and graduate fellowship obligations for the maximum number of awards authorized by Sections 31204 and 31240 of the Education Code in an amount not to exceed \$17,045,000 during the 1970-71 fiscal year for awards to be in effect during the 1971-72 fiscal year.

(b) Since the State Scholarship and Loan Commission must announce in the spring of 1971 those individuals to whom College Opportunity Grants will be awarded for the following fall semester of 1971, and since the Budget Act of 1971 may not be enacted in adequate time, the Scholarship and Loan Commission is authorized to incur College Opportunity Grant obligations for renewal of awards to those eligible and qualified individuals receiving an award in 1970-71 as authorized by Section 31263 of the Education Code, in an amount not to exceed two million dollars (\$2,000,000) during the 1970-71 fiscal year for awards to be in effect during the 1971-72 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships and graduate fellowships, or College Opportunity Grants, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position which position was vacant continuously during the period between October 1, 1969, and July 1, 1970. The State Controller, no later than August 1, 1970, shall notify in writing the Department of Finance of any authorized state position which was vacant continuously during such period. All such positions, except those specifically exempted in writing by the Department of Finance, are abolished effective September 1, 1970.

The State Controller, not later than 30 days prior to the convening of the 1971 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report on all positions as of July 1, 1970, which were unfilled continuously during the period between October 1, 1969, and July 1, 1970, identifying therein all positions authorized for continuation by the Department of Finance.

SEC 20.1. Notwithstanding any other provisions of law; (a) expenditures under Item 14 of this act or any appropriation in augmentation of such item for salaries and wages shall

be as submitted in the Governor's Budget or for such number of positions as otherwise authorized by the Joint Committee on Legislative Organization within established classifications and (b) expenditures under Item 14 of this act or any appropriation in any augmentation of such item, other than salaries and wages, shall be as submitted in the Governor's Budget or as otherwise authorized by the Joint Committee on Legislative Organization and shall be exempt from the provisions of Sections 13320 and 13325 of and Chapter 3 (commencing with Section 14250) of Part 5 of, and Chapter 6 (commencing with Section 14780) of Part 5.5 of, Division 3 of Title 2 of the Government Code and Sections 6, 8, and 25 of this act.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an academic year basis therefore, the University of California and the California State Colleges are authorized to incur salary obligations in an amount not to exceed \$3,000,000 for the university and a total of \$1,500,000 for the state colleges by appointment of academic staff members during the 1970-71 fiscal year for services beginning in the 1971-72 academic year.

The intent of this authorization is to assist California's institutions of higher education in their continuing effort to recruit the best qualified faculty members possible by authorizing them to make firm employment offers in advance of specific legislative position authorization.

SEC. 21.2. Since newly appointed faculty members of the California State Colleges who are recruited from other states ordinarily move to the state college to which they were appointed during the fiscal year following the acceptance of such appointment, the California State Colleges are authorized to incur obligations to pay the travel and moving expenses of such newly appointed faculty members in an aggregate amount not to exceed \$100,000, by appointments and authorizations during the 1970-71 and 1971-72 fiscal years, to pay such travel and moving expenses during the 1971-72 fiscal year.

SEC. 21.3. Since it is imperative for the Department of the California Highway Patrol to purchase special service automobiles in order to adequately patrol the highways of this state and since such automobiles can be purchased more effectively and economically on an annual basis with relation to the model year, which so-called year bridges two fiscal years, the Department of the California Highway Patrol is authorized to incur automotive equipment purchase obligations in an amount not to exceed \$1,500,000 during the 1970-71 fiscal year for delivery beginning in the 1971-72 fiscal year, and the sum of \$1,500,000 is hereby appropriated from the Motor Vehicle

Fund to the Department of the California Highway Patrol. This appropriation shall be available until July 1, 1971.

SEC. 21.4. Since it is imperative that the maximum amount of time possible be provided the State Board of Education and the Curriculum Commission in the selection of textbooks and the State Printer to print the textbooks for the ensuing school year, the Department of Education and the Department of General Services are authorized to incur textbook printing obligations in an amount not to exceed \$5,000,000 during the 1970-71 fiscal year for delivery by the State Printer to the Department of Education beginning in the 1971-72 fiscal year, subject to those provisions in Item 268 of this act that pertain to the printing of textbooks.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers, the President of the University of California, a Chancellor of the University of California, the Chancellor of the California State Colleges, a president of a state college, department heads and for other facilities or areas under the control of the agencies financed by this act in accordance with standards issued by the Director of General Services, such standards to be formulated by the Director of General Services with the advice and counsel of the Department of Finance and the Legislative Analyst. The Director of General Services shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state facilities under this section.

Approval of the Director of General Services shall be obtained prior to procurement and installation of such materials. The Director of General Services may authorize the use of carpeting in other specialized facilities not meeting the established standards 30 days after notification in writing of the proposal with justification therefor to the Joint Legislative Budget Committee.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, workmen's compensation, insur-

ance premiums for workmen's compensation coverage, the state's contributions to the Public Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State Budget of California for Support and Local Assistance 1970-71" and "State Budget of California for Capital Outlay and Five-Year Construction Program 1970-71" submitted by the Governor to the Legislature at the 1970 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: workmen's compensation, the state's contribution to the Public Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the

Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section. This transfer may be chargeable to such appropriation for a previous fiscal year if there are no funds available from that fiscal year.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the Public Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the Public Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

SEC. 27. The Department of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from any of the other designated categories or projects within the same schedule. The Department of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1970-71 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which

in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 28.1. Since it is the intent of the Legislature in enacting this budget that no qualified student be denied admission to the California State Colleges or to the University of California because of a budget deficiency caused by unanticipated additional enrollments, the Director of Finance may, following the adoption of a resolution by the Trustees of the California State Colleges or from the Regents of the University of California declaring an enrollment emergency, authorize the accelerated expenditure of amounts budgeted for the state colleges or the University in the form of an agreement to seek a supplementary appropriation from the General Fund to the extent necessary to insure that all qualified students can be admitted when he certifies that the systemwide enrollment of the California State Colleges or of the University of California exceeds by 2 percent or more the enrollment upon which the budget for the state colleges or the University was based; provided that no increased expenditure may exceed \$5,000,000 in the aggregate or be authorized sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of such committee, or his designee, may in each instance determine.

SEC. 28.2. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exception:

(a) The Trustees of the California State Colleges may approve any transfer of funds appropriated to them in salary items 247 and 249 for administrative purposes when computational errors occur with a report to the Department of Finance.

SEC. 28.3. The Director of Finance may transfer funds budgeted for Educational Opportunity programs in one segment of higher education to augment the Educational Opportunity programs in another segment of higher education. He shall not transfer funds under this section sooner than 30 days after notification in writing of the necessity thereof to the Joint Legislative Budget Committee or not sooner than such lesser time as the chairman of said committee or his designee may in each instance determine.

SEC. 28.5. Approvals by the Department of Finance to the creation of deficiencies pursuant to Section 11006 of the Government Code and approvals to expend at rates which, in the opinion of the Director of Finance, will require a deficiency appropriation shall be made in writing and filed with the Joint Legislative Budget Committee within 10 days after approval stating the reasons for and amount of such authorization.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1969, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting there-

from. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.8. As of June 30, 1970, the unencumbered balance of the revenues provided by Chapter 1326, Statutes of 1965, and appropriated by Section 32.7 of the Budget Act of 1967, shall be transferred to the unappropriated balance of the General Fund.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Section 10 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect

the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 8 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1970, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

SEC. 37. Funds from each appropriation made in this act may be expended to pay such salary adjustments as are authorized by salary-fixing authorities to provide an increase in the compensation for officers and employees during the month of July 1970 to provide compensation equivalent to that which they would have otherwise received had this act been adopted prior to July 1, 1970.

SEC. 38. Funds from each appropriation made in this act may be expended to pay any obligation incurred between the commencement of the 1970-71 fiscal year and the effective date of this act, which would otherwise have been authorized hereunder had this act been adopted prior to July 1, 1970, subject to the same limitations, conditions and requirements.

CHAPTER 304

*An act to amend Section 1810.1 of the Civil Code,
relating to retail installment sales.*

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1810.1 of the Civil Code is amended to read:

1810.1. Notwithstanding any other provision of this article to the contrary, before the first transaction is made on any open end credit account, the creditor shall disclose to the customer in a single written statement, which the customer may retain, in terminology consistent with the requirements of Section 1810.3, each of the following items, to the extent applicable:

(a) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(b) The method of determining the balance upon which a finance charge may be imposed.

(c) The method of determining the amount of the finance charge, including the method of determining any minimum, fixed, check service, transaction, activity, or similar charge, which may be imposed as a finance charge.

(d) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(f) The conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and a description or identification of the type of the interest or interests which may be so retained or acquired.

(g) The minimum periodic payment required.

In addition to the penalties provided under Article 12 2 (commencing with Section 1812.6) of this chapter, until the seller delivers the written statement required by this section, the buyer shall be obligated to pay only the cash price of the goods or services.

SEC. 2. This act shall become operative on January 1, 1971.

CHAPTER 305

*An act to amend Section 31206 of the Education Code,
relating to state competitive scholarships.*

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31206 of the Education Code is amended to read:

31206. A scholarship award winner may use his scholarship at any one of the institutions of collegiate grade located in California if such institution offers a two-year junior college or four-year college course and is accredited by the Western Association of Schools and Colleges. A scholarship award winner may use his scholarship at the California Maritime Academy established pursuant to Chapter 3 (commencing with Section 25951), Division 19 of this code. Nothing contained in this chapter (commencing at Section 31201) shall be interpreted to require any such institution to admit into such institution, or once admitted to continue in such institution, an award winner.

CHAPTER 306

*An act to amend Section 23805 of the Education
Code, relating to state colleges.*

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 23805 of the Education Code is amended to read:

23805. Upon the favorable vote of two-thirds of the students voting in an election held for the purpose at a state college, in such manner as the trustees shall prescribe, and open to all regular students enrolled in the college, the trustees are authorized to fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars (\$20) per student per academic year which shall be required of all students attending the college. All unexpended funds and money collected by a state college under this section shall be deposited in a local trust account by the chief fiscal officer of the state college. Such money shall be available for financing, operating and constructing the student body center, and until so used, shall, subject to the approval of the trustees, be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation; pro-

vided, that any money so deposited shall be in an account or accounts fully covered by such insurance.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations; provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation; and provided further that any money so invested or deposited is invested or deposited in certificates, shares, or accounts fully covered by such insurance.

(c) Purchase of any of the securities authorized for investment by Section 16430 of the Government Code.

These funds shall be maintained in local trust accounts by the college, and the chief fiscal officer of the college shall be custodian of these accounts and provide the necessary accounting records and controls for such funds.

These funds may be expended by the custodian only upon the submission of an appropriate claim schedule by officers of the student body organization.

The state college shall be reimbursed by the student body organization an amount to cover the cost of the custodial and accounting services provided by the college in connection with these funds.

CHAPTER 307

An act to add Section 20980.1 to the Government Code, relating to the Public Employees' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20980.1 is added to the Government Code, to read:

20980.1. Notwithstanding Section 20980, any local safety member in employment on the effective date of an amendment to his employer's contract subjecting the member to Section 21252.01 and who has attained age 60 and is credited with less than 20 years of service as a local safety member or who will not be credited with 20 years of such service if he continues in employment to age 60 shall, at the option of the contracting agency, not be retired, except on his application, prior to his completion of 20 years of such service after attaining age 60 or his attainment of age 65, whichever first occurs.

This section shall apply to a contracting agency for five years after the date of that agency's adoption of Section 21252.01 and shall thereafter be inapplicable to such agency.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the benefits of this act to be applicable to persons presently employed as local safety members, this act must take effect immediately.

CHAPTER 308

An act to amend Section 13884 of the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13884 of the Health and Safety Code is amended to read:

13884. Where the board of directors is composed of the supervising authority, the board by resolution may appoint five or seven commissioners, who may be councilmen of cities within the district, to act as its agents in managing the affairs of the district. The board may delegate any or all of its powers to the commissioners who may take action with reference to any and all matters delegated to them. The board shall determine whether the commissioners shall serve at the pleasure of the board, or for a term of four years subject to removal by the board for cause. If the commissioners are appointed for four-year terms, the terms shall be staggered so that not less than one nor more than two are to be regularly appointed in any one year.

CHAPTER 309

An act to amend Section 5896.6 of the Streets and Highways Code, relating to the undergrounding of overhead utilities.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5896.6 of the Streets and Highways Code is amended to read:

5896.6. A petition for proceedings for conversion shall be signed by not less than five owners of assessable land in the proposed assessment district, as shown by the last equalized assessment roll used by the city, owning lands constituting more than one-half of the area of all assessable lands within the proposed assessment district.

CHAPTER 310

An act to amend Section 9401 of, and to add Section 9401.5 to, the Commercial Code, relating to secured transactions.

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 9401 of the Commercial Code is amended to read:

9401. (1) The proper place to file in order to perfect a security interest is as follows:

(a) When the collateral is consumer goods, then in the office of the county recorder in the county of the debtor's residence or if the debtor is not a resident of this state then in the office of the county recorder in the county where the goods are kept;

(b) When the collateral is crops or timber to be cut, then in the office of the county recorder in the county where the land on which the crops are growing or to be grown or on which the timber is standing is located;

(c) In all other cases, in the office of the Secretary of State.

(2) A filing which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this division and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into this state from another jurisdiction, the rules stated in Section 9103 determine whether filing is necessary in this state.

(5) The county of residence of an organization is the county in which it has its chief place of business in fact.

SEC. 2. Section 9401.5 is added to the Commercial Code, to read:

9401.5. (1) A financing statement or a continuation thereof, properly filed and effective pursuant to Section 9401 as it existed prior to January 1, 1971, remains valid and effective after January 1, 1971, until expiration of the usual five-year period from date of filing. Any termination, release, assignment or amendment of such a financing statement prior to expiration of the five-year period of effectiveness shall be filed, as previously required, with the county recorder who has filed the financing statement.

(2) After January 1, 1971, any continuation of a financing statement which had been properly filed with a county recorder prior to January 1, 1971, and which now would be re-

quired to be filed with the Secretary of State, shall be filed with the Secretary of State in accordance with Section 9403. Such a continuation statement must be accompanied by a certified copy of the entire record of the county recorder related to the financing statement. After filing of such a continuation statement with the Secretary of State, any termination, release, assignment, amendment, or continuation of the financing statement shall also be filed with the Secretary of State and any such documents affecting the financing statement which are not filed with the Secretary of State shall not be effective.

SEC. 3. Section 1 of this act shall become operative on January 1, 1971.

CHAPTER 311

An act to amend and renumber the heading of Chapter 3 (commencing with Section 4530) of Title 3 of Part 5 of Division 4 of, to add Title 1.5 (commencing with Section 4350) to Part 5 of Division 4 of, to repeal Sections 4500, 4502, 4504, 4505, 4516, 4517, 4518, 4519, 4520, and 4521 of, and to repeal Chapter 2 (commencing with Section 4525) and Chapter 4 (commencing with Section 4540) of Title 3 of Part 5 of Division 4 of, the Civil Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Title 1.5 (commencing with Section 4350) is added to Part 5 of Division 4 of the Civil Code, to read:

TITLE 1.5. GENERAL PROVISIONS

CHAPTER 1. TERMINATION OF MARRIAGE AND JURISDICTION

4350. Marriage is dissolved only by (1) the death of one of the parties, (2) the judgment of a court of competent jurisdiction decreeing a dissolution of the marriage, or (3) a judgment of nullity.

4351. In proceedings under this part, the superior court has jurisdiction to inquire into and render such judgments and make such orders as are appropriate concerning the status of the marriage, the custody and support of minor children of the marriage, the support of either party, the settlement of the property rights of the parties and the award of attorneys' fees and costs.

CHAPTER 2. PROCEDURAL PROVISIONS

4355. In proceedings under *this part*, a responsive pleading, if any, shall be filed and served upon the other party within 30 days of the date of the service upon the respondent of a copy of the petition and summons.

4356. In proceedings under Chapter 2 (commencing with Section 4425) of Title 2 or under Title 3 (commencing with Section 4500) of *this part*, in those counties which have established a conciliation court, the petitioner shall complete and file a questionnaire approved by the Judicial Council, concurrently with the filing of the petition.

A blank copy of the questionnaire shall be served upon the respondent together with copies of the summons and petition. The respondent shall complete and file the questionnaire within the time in which a responsive pleading must be filed.

The questionnaire shall be confidential and may be used only by the court, counsel for the parties, or persons authorized by the court.

4357. During the pendency of any proceeding under Title 3 (commencing with Section 4500) or Title 4 (commencing with Section 4600) of *this part*, the superior court may order the husband or wife, or father or mother, as the case may be, to pay any amount that is necessary for the support and maintenance of the wife or husband and for the support, maintenance, and education of the children, as the case may be. An order made pursuant to this section shall not prejudice the rights of the parties or children with respect to any subsequent order which may be made. Any such order may be modified or revoked at any time except as to any amount that may have accrued prior to the date of filing of the notice of motion or order to show cause to modify or revoke.

4358. In any proceeding under *this part*, upon a determination that payment of an obligation of a party would benefit either party or a minor child, the court may order one of the parties to pay the obligation, or any portion thereof, directly to the creditor. The creditor shall have no right to enforce the order nor shall his rights be affected by such determination.

4359. During the pendency of any proceeding under Title 2 (commencing with Section 4400) or Title 3 (commencing with Section 4500) of *this part*, upon application of either party in the manner provided by Section 527 of the Code of Civil Procedure, the superior court may issue *ex parte* orders (1) restraining any person from transferring, encumbering, hypothecating, concealing, or in any way disposing of any property, real or personal, whether community, quasi-community, or separate, except in the usual course of business or for the necessities of life, and if such order is directed against a party, requiring him to notify the other party of any proposed extraordinary expenditures and to account to the court for all such extraordinary expenditures; (2) enjoining any party from molesting or disturbing the peace of the other party; (3)

excluding either party from the family dwelling or from the dwelling of the other upon a showing that physical or emotional harm would otherwise result, as provided in Section 5102; and (4) determining the temporary custody of any minor children of the marriage.

4360. The court may, when it considers it necessary in the interests of justice and the persons involved, direct the trial of any issue of fact joined in proceedings under this part to be private, and may exclude all persons except the officers of the court, the parties, their witnesses and counsel.

4361. Any evidence collected by eavesdropping in violation of Chapter 1.5 (commencing with Section 630) of Title 15 of Part 1 of the Penal Code is inadmissible in any proceeding for dissolution of the marriage or legal separation or for a declaration of void or voidable marriage. If it appears that such a violation exists, the court may refer the matter to the proper authority for investigation and prosecution.

4362. In any proceeding under this part, except an action for legal separation, the court may restore the maiden or former name of the wife regardless of whether or not a request therefor was included in the petition.

CHAPTER 3. PROVISIONS FOR ATTORNEYS' FEES AND COSTS

4370. (a) During the pendency of any proceeding under this part, the court may order the husband or wife, or father or mother, as the case may be, to pay such amount as may be reasonably necessary for the cost of maintaining or defending the proceeding and for attorneys' fees; and from time to time and before entry of judgment, the court may augment or modify the original award for costs and attorneys' fees as may be reasonably necessary for the prosecution or defense of the proceeding or any proceeding relating thereto. In respect to services rendered or costs incurred after the entry of judgment, the court may award such costs and attorneys' fees as may be reasonably necessary to maintain or defend any subsequent proceeding therein, and may thereafter augment or modify any award so made. Attorneys' fees and costs within the provisions of this subdivision may be awarded for legal services rendered or costs incurred prior, as well as subsequent, to the commencement of the proceeding.

(b) During the pendency of any proceeding under this part, an application for a temporary order making, augmenting, or modifying an award of attorneys' fees or costs or both shall be made by motion on notice or by an order to show cause, except that it may be made without notice by an oral motion in open court:

(1) At the time of the hearing of the cause on the merits; or

(2) At any time prior to entry of judgment against a party whose default has been entered pursuant to Section 585 or 586 of the Code of Civil Procedure

4371. When the court orders one of the parties to pay costs and attorneys' fees for the benefit of the other party, such costs and fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. An order of the court providing for payment of such costs and fees may be enforced directly by such attorney in his own name or by the party in whose behalf such order was made, provided that if such attorney has ceased to be such, it shall be a condition of such enforcement, and must appear of record, that such attorney shall have given to his former client or successor counsel 10 days' written notice of his application for such enforcement, and during such period the client may file in such proceeding a motion directed to such former attorney for partial or total reallocation of fees and costs to cover the services and cost of successor counsel, in which event such proceeding shall be stayed until the court has resolved such motion.

CHAPTER 4. ENFORCEMENT OF JUDGMENTS, ORDERS, AND DECREES

4380. Any judgment, order, or decree of the court made or entered pursuant to this part may be enforced by the court by execution, attachment, the appointment of a receiver, contempt, or by such other order or orders as the court in its discretion may from time to time deem necessary.

SEC. 2. Section 4500 of the Civil Code is repealed.

SEC. 3. Section 4502 of the Civil Code is repealed.

SEC. 4. Section 4504 of the Civil Code is repealed.

SEC. 5. Section 4505 of the Civil Code is repealed.

SEC. 6. Section 4516 of the Civil Code is repealed.

SEC. 7. Section 4517 of the Civil Code is repealed.

SEC. 8. Section 4518 of the Civil Code is repealed.

SEC. 9. Section 4519 of the Civil Code is repealed.

SEC. 10. Section 4520 of the Civil Code is repealed.

SEC. 11. Section 4521 of the Civil Code is repealed.

SEC. 12. Chapter 2 (commencing with Section 4525) of Title 3 of Part 5 of Division 4 of the Civil Code is repealed.

SEC. 13. The heading of Chapter 3 (commencing with Section 4530) of Title 3 of Part 5 of Division 4 of the Civil Code is amended and renumbered to read:

CHAPTER 2. RESIDENCE REQUIREMENTS

SEC. 14. Chapter 4 (commencing with Section 4540) of Title 3 of Part 5 of Division 4 of the Civil Code is repealed.

SEC. 15. This act does not constitute a change in, but is declaratory of, the existing law.

SEC. 16. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In proceedings for a judgment of nullity of the marriage and in certain actions or proceedings where there is at issue the custody or support of a minor child, there is no clear statutory authority to enter defaults in the Family Law Act. It is essential that such authority be immediately clarified so that the courts may efficiently adjudicate such actions or proceedings.

Certain provisions contained in Title 3 (commencing with Section 4500) of Part 5 of Division 4 of the Civil Code are now applicable to other titles of the act and should be immediately placed in a separate title on general provisions in order to promote the efficient administration of justice in proceedings under the Family Law Act.

CHAPTER 312

An act to amend Sections 1237.5 and 4803 of, and to add Section 4800.5 to, the Civil Code, to amend Section 201.5 of the Probate Code, and to amend Section 15300 of the Revenue and Taxation Code, relating to property.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1237.5 of the Civil Code is amended to read:

1237.5. As used in this title:

(a) "Quasi-community property" means real property situated in this state heretofore or hereafter acquired in any of the following ways:

(1) By either spouse while domiciled elsewhere which would have been community property if the spouse who acquired the property had been domiciled in this state at the time of its acquisition.

(2) In exchange for real or personal property, wherever situated, which would have been community property if the spouse who acquired the property so exchanged had been domiciled in this state at the time of its acquisition.

(b) "Separate property" does not include quasi-community property.

SEC. 2. Section 4800.5 is added to the Civil Code, to read:

4800.5. (a) Except as provided for in subdivision (b), if the property subject to division under Section 4800 includes real property situated in another state, the court shall, if possible, divide the community property and quasi-community property in accordance with Section 4800 in such a manner that it is not necessary to change the nature of the interests held in the real property situated in the other state.

(b) If it is not possible to divide the property in the manner provided for in subdivision (a), the court may do any of

the following in order to effect a division of the property in accordance with Section 4800:

(1) Require the parties to execute such conveyances or take such other actions with respect to the real property situated in the other state as are necessary.

(2) Award to the party who would have been benefited by such conveyances or other actions the money value of the interest in such property that he would have received if such conveyances had been executed or other actions taken.

SEC. 3. Section 4803 of the Civil Code is amended to read:

4803. As used in this part, "quasi-community property" means all real or personal property, wherever situated, heretofore or hereafter acquired in any of the following ways:

(a) By either spouse while domiciled elsewhere which would have been community property if the spouse who acquired the property had been domiciled in this state at the time of its acquisition.

(b) In exchange for real or personal property, wherever situated, which would have been community property if the spouse who acquired the property so exchanged had been domiciled in this state at the time of its acquisition.

SEC. 4. Section 201.5 of the Probate Code is amended to read:

201.5. Upon the death of any married person domiciled in this state, one-half of the following property in his estate shall belong to the surviving spouse and the other one-half of such property is subject to the testamentary disposition of the decedent, and, in the absence thereof, goes to the surviving spouse:

(a) All personal property wherever situated, and all real property situated in this state, heretofore or hereafter acquired by the decedent while domiciled elsewhere which would have been the community property of the decedent and the surviving spouse if the decedent had been domiciled in this state at the time of its acquisition.

(b) All personal property wherever situated, and all real property situated in this state, heretofore or hereafter acquired in exchange for real or personal property, wherever situated, which would have been the community property of the decedent and the surviving spouse if the decedent had been domiciled in this state at the time the property so exchanged was acquired.

All such property is subject to the debts of the decedent and to administration and disposal under the provisions of Division 3 (commencing with Section 300) of this code.

As used in this section, personal property does not include, and real property does include, leasehold interests in real property.

SEC. 5. Section 15300 of the Revenue and Taxation Code is amended to read:

15300. For the purposes of this chapter, property is "quasi-community property" if it is heretofore or hereafter acquired in any of the following ways:

(a) By either spouse while domiciled elsewhere and would have been community property if the spouse who acquired the property had been domiciled in this state at the time of its acquisition.

(b) In exchange for real or personal property, wherever situated, which would have been community property if the spouse who acquired the property so exchanged had been domiciled in this state at the time of its acquisition.

CHAPTER 313

An act to add Chapter 11 (commencing with Section 675) to Part 1 of Division 1 of, and Section 2074.8 to, the Insurance Code, relating to insurance.

[Approved by Governor July 6, 1970. Filed with Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 675) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 11. CANCELLATION AND FAILURE TO RENEW CERTAIN PROPERTY INSURANCE

675. This chapter shall apply to policies of insurance, other than automobile insurance and workmen's compensation insurance, on risks located or resident in this state which are issued and take effect or which are renewed after the effective date of this chapter and insuring any of the following contingencies:

(a) Loss of or damage to real property which is used predominantly for residential purposes and which consists of not more than four dwelling units.

(b) Loss of or damage to personal property in which natural persons resident in specifically described real property of the kind described in subdivision (a) have an insurable interest, except personal property used in the conduct of a commercial or industrial enterprise.

(c) Legal liability of a natural person or persons for loss of, damage to, or injury to, persons or property, but not including policies primarily insuring risks arising from the conduct of a commercial or industrial enterprise.

This chapter shall not be construed so as to modify or negate any of the provisions of Chapter 3 (commencing with Section 330) of Part 1 of Division 1, nor to destroy any rights or remedies therein provided.

676 After such policy has been in effect for 60 days, or if the policy is a renewal, effective immediately, no notice of cancellation shall be effective unless it is based on the occur-

rence, after the effective date of the policy, of one or more of the following:

(a) Nonpayment of premium, including nonpayment of any additional premiums, calculated in accordance with the current rating manual of the insurer, justified by a physical change in the insured property or a change in its occupancy or use

(b) Conviction of the named insured of a crime having as one of its necessary elements an act increasing any hazard insured against.

(c) Discovery of fraud or material misrepresentation by either of the following:

(1) The insured or his representative in obtaining the insurance

(2) The named insured in pursuing a claim under the policy.

(d) Discovery of grossly negligent acts or omissions by the insured substantially increasing any of the hazards insured against.

(e) Physical changes in the insured property which result in the property becoming uninsurable.

677. All notices of cancellation shall be in writing, mailed to the named insured at the address shown in the policy and shall state (a) which of the grounds set forth in Section 676 is relied upon, and (b) that, upon written request of the named insured, the insurer shall furnish the facts on which the cancellation is based.

678. Unless the insurer, at least 45 days in advance of the end of the policy period, mails or delivers to the named insured at the address shown in the policy notice of its intention not to renew the policy or to condition its renewal upon reduction of limits or elimination of coverages, the insurer shall not fail to renew the policy upon payment of the premium due on the effective date of the renewal, in accordance with the then existing rating manual of the insurer. Any policy written for a term of less than one year shall be considered as if written for a term of one year. Any policy written for a term longer than one year, or any policy with no fixed expiration date, shall be considered as if written for successive policy periods or terms of one year.

679. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any insurer or its authorized representatives, agents, or employees, or any licensed insurance agent or broker, for any statement made, unless shown to have been made in bad faith with malice in fact, by any of them in (a) any written notice of cancellation or in any other oral or written communication specifying the reasons for cancellation, (b) any communication providing information pertaining to such cancellation, or (c) evidence submitted at any court proceeding or informal inquiry in which such cancellation is an issue.

679.5. Proof of mailing of a notice of cancellation and the reasons therefor or of intention not to renew to the named insured at the address shown in the policy shall be sufficient proof of the notice required by this chapter.

SEC. 2. Section 2074.8 is added to the Insurance Code, to read:

2074.8. Notwithstanding any of the other provisions of Sections 2071 and 6010, those paragraphs in Sections 2071 and 6010 captioned "Cancellation of Policy" may, in any policy subject to Chapter 11 (commencing with Section 675) of Part 1 of Division 1, have such paragraph in the text of the policy stricken or changed by endorsement and the following paragraph substituted therefor:

"This policy shall be canceled at any time at the request of the insured, in which case this company shall, upon demand and surrender of the policy, refund the excess of paid premiums above the customary short rate for the expired time. This policy may be canceled by this company by written notice mailed or delivered to the named insured at the address shown in the policy, with or without tender of the excess of paid premiums above the pro rata premiums for the expired time, stating when, not less than ten (10) days after such mailing or delivery, cancellation shall be effective. Notice of cancellation shall state that such excess premiums, if not tendered, will be refunded on demand, and contain such matters as are required to comply with Chapter 11 (commencing with Section 675) of Part 1 of Division 1."

CHAPTER 314

An act to add Section 75030.10 to the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 75030.10 is added to the Government Code, to read:

75030.10. Any person who filed a declaration of candidacy for a judicial office pursuant to Section 25301 or 25302 of the Elections Code prior to May 1, 1962, and was elected to that office at the subsequent election, may elect pursuant to the provisions of Section 75030.5 to make contribution for, and receive credit in this system as service, time served as a public legal officer as defined in Section 75030.5. The contributions authorized by this section shall be made at the rate provided in Section 75102 on the effective date of this section.

CHAPTER 315

An act to add Section 461.5 to the Agricultural Code, relating to diagnostic laboratories, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 464.5 is added to the Agricultural Code, to read:

464.5. The director may maintain a poultry and animal disease diagnostic laboratory at a particular location requested by persons who desire such laboratory services, under the following conditions:

(a) The cost of maintaining the laboratory at such location in excess of the cost of providing the service at a more central location shall be paid for by the persons who desire the service to be maintained at such location.

(b) Such costs shall be paid for by appropriate fees established by the director and paid to the director for services rendered at such location, or by voluntary contributions by such persons, or by a combination of such fees and contributions.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Certain poultry and animal diagnostic laboratories will have to be closed for a lack of funds, if this act is not passed immediately to provide for industry financial support for these laboratories.

CHAPTER 316

An act to add Section 31462.1 to the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31462.1 is added to the Government Code, to read:

31462.1. "Final compensation" means the average annual compensation earnable by a member during any year elected by a member at or before the time he files an application for retirement, or, if he fails to elect, during the year immediately preceding his retirement.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by a majority vote, make the provisions of this section applicable in such county.

CHAPTER 317

An act to add Section 19817 to the Health and Safety Code, relating to inflammable materials.

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 19817 is added to the Health and Safety Code, to read:

19817. No person may manufacture, sell, or exchange, possess with intent to sell or exchange, or expose or offer for sale or exchange any eyeglass or sunglass frame made of cellulose nitrate or any other material whose flammability characteristics approximate those of cellulose nitrate. Any such frame is an inflammable article.

SEC. 2. This act shall become operative July 1, 1971.

CHAPTER 318

An act to add Article 3.5 (commencing with Section 12035) to Chapter 1, Part 2, Division 3, Title 2 of the Government Code, relating to intergovernmental cooperation.

[Approved by Governor July 6, 1970 Filed with
Secretary of State July 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 (commencing with Section 12035) is added to Chapter 1, Part 2, Division 3, Title 2 of the Government Code, to read:

Article 3.5. Intergovernmental Cooperation

12035. As used in this article, "Office of Intergovernmental Management" means the office of that name established by executive action of the Governor or any successor office designated by the Governor as the clearinghouse for information from the Federal Bureau of the Budget in accordance with the Intergovernmental Cooperation Act of 1968 (P.L. 90-577).

12036. The "Office of Intergovernmental Management" shall submit such information acquired by it pursuant to the application of the Intergovernmental Cooperation Act of 1968 (P.L. 90-577) to an agency designated for such purpose by concurrent resolution of the Legislature.

CHAPTER 319

An act to amend Section 1260 of the Civil Code, relating to homesteads.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1260 of the Civil Code is amended to read:

1260. Homesteads may be selected and claimed:

1. By any head of a family, of not exceeding twenty thousand dollars (\$20,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

2. By any person 65 years of age or older, of not exceeding twenty thousand dollars (\$20,000) in actual cash value, over and above all liens and encumbrances on the property at the time of any levy of execution thereon.

3. By any other person, of not exceeding ten thousand dollars (\$10,000) in actual cash value, over and above all liens and encumbrances.

Any declaration of homestead which has been filed prior to January 1, 1971 shall be deemed to be amended on such date by increasing the value of any property selected and claimed to the value permitted by this section on such date to the extent that such increase does not impair or defeat the right of any creditor to execute upon the property which existed prior to such date.

SEC. 2. This act shall become operative January 1, 1971.

CHAPTER 320*An act to add Sections 15418, 15875, 18506.5, 18534.5, 18564.5, and 22942.5 to the Elections Code, relating to recount of ballots.*

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15418 is added to the Elections Code, to read:

15418. On recount, ballots may be challenged pursuant to Section 18506.5.

SEC. 2. Section 15875 is added to the Elections Code, to read:

15875. On recount, ballots may be challenged pursuant to Section 18506.5.

SEC. 3. Section 18506.5 is added to the Elections Code, to read:

18506.5. On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

(a) The person challenging the ballot shall state the reason for his challenge.

(b) The official counting the ballot shall count it as he believes proper and then set it aside with a notation as to how it was counted.

(c) The clerk or registrar of voters shall, after the recount is completed, determine whether the challenge is to be allowed and his decision shall be final.

SEC. 4. Section 18534.5 is added to the Elections Code, to read:

18534.5. On recount, ballots may be challenged pursuant to Section 18506.5.

SEC. 5. Section 18564.5 is added to the Elections Code, to read:

18564.5. On recount, ballots may be challenged pursuant to Section 18506.5.

SEC. 6. Section 22942.5 is added to the Elections Code, to read:

22942.5. On recount, ballots may be challenged pursuant to Section 18506.5.

CHAPTER 321

An act to amend Section 631 of the Code of Civil Procedure, relating to waiver of jury trial.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 631 of the Code of Civil Procedure is amended to read:

631. Trial by jury may be waived by the several parties to an issue of fact in manner following:

1. By failing to appear at the trial;
2. By written consent filed with the clerk or judge;
3. By oral consent, in open court, entered in the minutes or docket;

4. By failing to announce that a jury is required, at the time the cause is first set upon the trial calendar if it be set upon notice or stipulation, or within five days after notice of setting if it be set without notice or stipulation; provided, that in justice courts such waiver may be made by failure of either party to demand a jury within two days after service upon him of the notice provided for in Section 594 of this code;

provided further, that in any superior court action if a jury is demanded by either party in the memorandum to set cause for trial and such party thereafter by announcement or by operation of law waives a trial by jury, then in said event any and all adverse party or parties shall be given 10 days' written notice by the clerk of the court of such waiver, whereupon, notwithstanding any rule of the court to the contrary, such adverse party or parties shall have not exceeding five days immediately following the receipt of such notice of waiver, within which to file and serve a demand for a trial by jury and deposit advance jury fees for the first day's trial whenever such deposit is required by rule of court, and if it is impossible for the clerk of the court to give such 10 days' notice by reason of the trial date, or if for any cause said notice is not given, the trial of said action shall be continued by the court for a sufficient length of time to enable the giving of such notice by the clerk of the court to such adverse party.

Regardless of anything contained in the foregoing to the contrary, the court may in its discretion, upon such terms as may be just, allow a trial by jury to be had, although there has been a waiver of such a trial.

5. By failing to deposit with the clerk, or judge, a sum equal to the amount of one day's jury fees payable under the law, as provided herein. In justice courts such deposit must be made two days prior to the date set for trial or prior to the date to which the trial has been postponed because of the demand for a jury trial; in other courts such deposit must be made 14 days prior to the date set for trial.

6. By failing to deposit with the clerk or judge, promptly after the impanelment of the jury, a sum equal to the mileage or transportation (if any be allowed by law) of the jury accrued up to that time;

7. By failing to deposit with the clerk or judge, at the beginning of the second and each succeeding day's session a sum equal to one day's fees of the jury, and the mileage or transportation, if any there be.

8. When the party who has demanded trial by jury either waives such trial upon or after the assignment for trial to a specific department of the court, or upon or after the commencement of the trial, or fails to deposit the fees as provided in subdivision 6 or 7; by the other party either failing promptly to demand trial by jury before the judge in whose department such waiver, other than for the failure to deposit such fees, was made, or by his failing promptly to deposit the fees provided in subdivision 6 or 7.

The court may, in its discretion upon such terms as may be just, allow a trial by jury to be had although there has been a waiver of such a trial.

CHAPTER 322

An act to add Article 5 (commencing with Section 41201) to Chapter 3 of Division 16 of the Agricultural Code, relating to Grape Inspection Advisory Committee.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 41201) is added to Chapter 3 of Division 16 of the Agricultural Code, to read:

Article 5. Grape Inspection Advisory Committee

41201. There is in the Department of Agriculture a Grape Inspection Advisory Committee consisting of eight wine producers. The members of the committee shall receive no salary. The committee shall be appointed by the director.

41202. The term of office of each member of the committee is three years. Appointment of the first members shall be made so that the term of office of two members shall expire at the end of one year, three at the end of two years, and three at the end of three years.

41203. The committee shall be advisory to the director on all matters pertaining to this chapter and certification of the quality of grapes used for processing pursuant to Section 40531 and shall make recommendations concerning the inspection and certification services rendered including the annual budget and fees necessary to provide adequate inspection and certification services.

CHAPTER 323

An act to amend Section 1216 of the Civil Code, relating to powers of attorney.

[Approved by Governor July 6, 1970. Filed with
Secretary of State July 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1216 of the Civil Code is amended to read:

1216. No power contained in an instrument to convey or execute instruments affecting real property which has been recorded is revoked by any act of the party by whom it was executed, unless the instrument containing such revocation is also acknowledged or proved, certified and recorded, in the same office in which the instrument containing the power was recorded.

CHAPTER 324

An act to add Section 1232 to the Government Code, relating to state officers and agencies, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1970. Filed with Secretary of State July 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1232 is added to the Government Code, to read:

1232. On or after June 30, 1970, no state officer or employee shall be deemed to have a break in service or to have terminated his employment, for any purpose, nor to have incurred any change in his authority, status, or jurisdiction or in his salary or other conditions of employment, solely because of the failure to enact a Budget Bill for the 1970-1971 fiscal year prior to the end of the preceding fiscal year.

Every person who entered state service between June 30, 1970, and the effective date of the Budget Bill for the 1970-1971 fiscal year shall be deemed a state officer or employee, as the case may be, from the time he entered state service until that date, notwithstanding the failure to enact a Budget Bill for the 1970-1971 fiscal year prior to his entry into service.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The failure to enact a Budget Bill at the 1970 Regular Session of the Legislature has created serious questions regarding the continuity of employment of state personnel, and it is therefore essential that this act take immediate effect.

CHAPTER 325

An act relating to the Alum Rock Union School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 7, 1970. Filed with Secretary of State July 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Alum Rock Union School District is an impoverished school district in the state and has suffered significant decline in revenues which will cause great financial hardship and will render it impossible for the district to meet its fixed financial commitments for the year, including those made for the payment of teachers' salaries.

The Legislature finds that the unique circumstances in the Alum Rock Union School District require immediate and spe-

cial legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 2. Notwithstanding the provisions of Section 21053 of the Education Code or any other provisions of law to the contrary, the funds apportioned by the County Superintendent of Schools of the County of Santa Clara to the Alum Rock Union School District pursuant to Section 21053 of the Education Code in the 1969-1970 fiscal year in the amount of one hundred thousand dollars (\$100,000), shall be treated as if appropriated from the State Treasury directly to the Alum Rock Union School District for the fiscal year 1969-1970, and such funds shall be shown on the annual report of the district as income to the district in the 1969-1970 fiscal year as if appropriated and apportioned and disbursed to the district by the State of California from the State Treasury.

SEC. 3. The Superintendent of Public Instruction shall, during the 1970-1971 fiscal year withhold from the apportionments to be made to the district from the State School Fund in such year an amount equal to the amount apportioned by the County Superintendent of Schools of Santa Clara County to the Alum Rock Union School District in the 1969-1970 fiscal year pursuant to Section 21053 of the Education Code, as specified in Section 2.

SEC. 4. The Superintendent of Public Instruction shall, during the 1970-1971 fiscal year, apportion from the State School Fund to the County School Service Fund of the county superintendent of the County of Santa Clara an amount equal to the amount apportioned to the Alum Rock Union School District by the County Superintendent of Schools of Santa Clara County in the 1969-1970 fiscal year pursuant to Section 21053 of the Education Code, as specified in Section 2.

SEC. 5. Notwithstanding the provisions of Sections 21001 and 20604 of the Education Code, the Alum Rock Union School District may expend such portion of the general reserve set forth in the final budget for the 1969-1970 fiscal year as may be necessary to enable the district to pay contracted indebtedness, due and owing, in the 1969-1970 fiscal year. In addition, the Alum Rock Union School District shall, to pay contracted indebtedness due and owing in the 1969-1970 fiscal year, utilize so much of the moneys apportioned to the district by the County Superintendent of Schools of Santa Clara County in the 1969-1970 fiscal year pursuant to Section 21053 of the Education Code, as specified in Section 2, as may be necessary for such purposes.

SEC. 6. Any contracts entered into by the Alum Rock Union School District, effective, and to be performed, during the 1969-1970 fiscal year, including contracts pursuant to which personal services were rendered the district by certificated and noncertificated district employees, and contracts pursuant to which materials, supplies, equipment, benefits or

privileges, and personal services were rendered and afforded to the district by other persons, firms, and agencies, the enforceability of which contracts, with reference to payments to be made thereunder by the district, is subject to some legal question because of shortages in revenues accruing to the district during such fiscal year, are hereby approved, confirmed, and validated to all intents and purposes, and all payments made and obligations of the district to make payments pursuant to such contracts are hereby ratified, approved, confirmed and declared to be legal and binding.

SEC. 7. The governing board of the Alum Rock Union School District shall, in cooperation with the county superintendent of schools and the Superintendent of Public Instruction, develop a plan to correct the financial problems of the district, including specific items to insure that the expenditures of the district will not exceed its revenues.

SEC. 8. Until June 30, 1971, the Alum Rock Union School District shall submit to the county superintendent of schools all financial and other reports requested by him.

SEC. 9. This act shall cease to be operative on June 30, 1972.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that funds transferred to the Alum Rock Union School District during the 1969-1970 fiscal year may be treated as income, as if appropriated and apportioned by the State of California and to authorize the expenditure of accumulated reserve funds of the district so as to aid the district in averting a financial crisis which directly involves the entire area of the district, and in order to allow the district to adjust its budget in order to meet such financial crisis, and in order to validate agreements of the district so that payment can be made at the earliest opportunity to avoid hardships to employees and creditors, it is necessary that this act take immediate effect.

CHAPTER 326

An act to Amend Section 70047.5 of, and to repeal Article 29.5 (commencing with Section 74700) and Article 29.6 (commencing with Section 74720) of, and to add Article 29.5 (commencing with Section 74700) to Chapter 10 of Title 8 of the Government Code, relating to Sonoma County courts.

[Approved by Governor July 8, 1970. Filed with Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 70047.5 of the Government Code is amended to read:

70047.5. In a county with a population of 147,000 and not over 149,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand eight hundred dollars (\$13,800), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate of forty-five dollars (\$45) a day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be ten dollars (\$10).

SEC. 1.5. Section 70047.5 of the Government Code is amended to read:

70047.5. In a county with a population of 147,000 and not over 149,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand eight hundred dollars (\$13,800), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate provided in Section 69948 each day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be ten dollars (\$10).

SEC. 2. Article 29.5 (commencing with Section 74700) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 3. Article 29.5 (commencing with Section 74700) is added to Chapter 10 of Title 8 of the Government Code, to read:

Article 29.5. Sonoma County

74700. This article applies to municipal court districts established in Sonoma County. This article establishes a uniform compensation schedule which shall apply to all the judicial districts in Sonoma County which now or may hereafter contain municipal courts and provides the personnel for such courts.

74701. Judges of municipal courts in Sonoma County shall be compensated in accordance with the uniform salary statutes.

74702. There shall be one clerk in each district who shall receive a minimum salary of eight hundred sixty-two dollars (\$862) monthly with a six-month increment of forty-three dollars (\$43), with annual increments thereafter of forty-five dollars (\$45), forty-eight dollars (\$48), and fifty dollars (\$50) to a maximum of one thousand forty-eight dollars (\$1,048) monthly.

74703. Assistant clerks and deputy clerks shall receive salaries as follows:

(a) Assistant clerks shall receive a minimum salary of five hundred ninety-eight dollars (\$598) monthly with a six-month increment of thirty dollars (\$30), with annual increments thereafter of thirty-two dollars (\$32), thirty-three dollars (\$33), and thirty-four dollars (\$34), to a maximum of seven hundred twenty-seven dollars (\$727) monthly.

(b) Deputy clerks, grade III, shall receive a minimum salary of five hundred seventeen dollars (\$517) monthly with a six-month increment of twenty-six dollars (\$26), with annual increments thereafter of twenty-seven dollars (\$27), twenty-eight dollars (\$28), and thirty dollars (\$30) to a maximum of six hundred twenty-eight dollars (\$628) monthly.

(c) Deputy clerks, grade II, shall receive a minimum salary of four hundred sixty-nine dollars (\$469) monthly with a six-month increment of twenty-four dollars (\$24), with annual increments thereafter of twenty-four dollars (\$24), twenty-six dollars (\$26), and twenty-seven dollars (\$27) to a maximum of five hundred seventy dollars (\$570) monthly.

(d) Deputy clerks, grade I, shall receive a minimum salary of four hundred five dollars (\$405) monthly with a six-month increment of twenty dollars (\$20), with annual increments thereafter of twenty-two dollars (\$22), twenty-two dollars (\$22), and twenty-four dollars (\$24), to a maximum of four hundred ninety-three dollars (\$493) monthly.

74704. In providing for annual increments in salary, it is the intention of the Legislature that when an individual is employed in a particular position, he shall be compensated at the minimum salary for that position for the first six months' service in that position after which time he shall receive the six-month increment or step increase and annually thereafter he shall receive a one-step increase until he has reached the maximum salary for that position; provided, however, that in the event that an individual is promoted from one position to another, he shall not be reduced in salary but shall receive the minimum salary above specified for the new position together with such additional annual increments as will most nearly equate to a one step increase in compensation, subject, nevertheless, to the maximum salary specified for such position.

74705. Certain classes of employment in the municipal courts are deemed to be equivalent in job and salary level to certain classes in the service of the County of Sonoma, and, whenever the salary of those classes in the service of the

County of Sonoma is adjusted by the board of supervisors, the salary of the comparable classes in the municipal courts shall be adjusted a like extent. Such adjustment shall be effective on the same date as the effective date of the action by the board of supervisors, as it applies to the classes in the service of the county, but such adjustments shall be effective only until the 61st day after the adjournment of the next regular session of the Legislature which commences thereafter.

(a) The class of clerk of the municipal court is equivalent in job and salary level to the class of assistant county clerk.

(b) The class of assistant clerk, municipal court, is equivalent in job and salary level to the class of executive secretary.

(c) The class of deputy clerk III is equivalent in job and salary level to the class of clerk-typist IV.

(d) The class of deputy clerk II is equivalent in job and salary level to the class of clerk-typist III.

(e) The class of deputy clerk I is equivalent in job and salary level to the class of clerk-typist II.

74706. All fees collected by the sheriff or his deputies for services to the municipal court shall be deposited with the county treasurer.

74707. Official reporters of the municipal court, appointed pursuant to Section 72194, shall be county employees. For their services in reporting testimony and proceedings in court, they shall receive the fee provided by Section 72195.

74708. In the municipal court established in the district embracing the Cities of Santa Rosa, Sebastopol, Rohnert Park and Cotati, designated as the Central Judicial District of Sonoma County, there shall be the following personnel:

(a) There shall be two judges.

(b) There shall be one clerk who may appoint:

(1) One assistant clerk.

(2) Five deputy clerks grade III.

(3) Four deputy clerks grade II.

(4) Five deputy clerks grade I.

74709. In the municipal court established in a district embracing the Cities of Sonoma and Petaluma designated as the Southern Sonoma County Judicial District, there shall be the following personnel:

(a) There shall be one judge.

(b) There shall be one clerk who may appoint:

(1) Two assistant clerks.

(2) Two deputy clerks grade II.

(3) Four deputy clerks grade I.

74710. No provision is made for marshal or deputy marshals in the municipal courts of Sonoma County and no compensation is established for any such marshal and deputy marshal positions. In lieu thereof, the Sheriff of the County of Sonoma shall be ex officio marshal and shall serve the municipal courts of the county and without additional compensation.

74711. All officers and employees shall be entitled to the privileges afforded county employees in the Sonoma County Salary Ordinance with respect to sick leave, vacations, and other benefits.

SEC. 4. Article 29.6 (commencing with Section 74720) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 5. It is the intent of the Legislature, if amendments to Section 70047.5 of the Government Code proposed by both this bill and S.B. 577 are enacted, that both amendments be given effect and incorporated in Section 70047.5 in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 577 is enacted and amends Section 70047.5, Section 1.5 of this act shall become operative at the same time that Section 70047.5 as amended by S.B. 577 becomes operative, and at that time, Section 70047.5 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 327

An act to amend Section 71140.3 of the Government Code, relating to judges.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Humboldt, Santa Clara, San Diego, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

SEC. 2. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Humboldt, Santa Clara, San Diego, Los Angeles, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

SEC. 3. It is the intent of the Legislature, if amendments to Section 71140.3 of the Government Code proposed by both this bill and Assembly Bill No. 1389 are enacted, that both amendments be given effect and incorporated in Section

71140.3 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 1389 is enacted and amends Section 71140.3, Section 2 of this act shall become operative at the same time that Section 71140.3 as amended by Assembly Bill No. 1389 becomes operative, and at that time, Section 71140.3 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 328

An act to add Section 26225 to the Government Code, relating to rapid transit.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26225 is added to the Government Code, to read:

26225. The board of supervisors of one or more counties may authorize studies of the feasibility of a high-speed transit system, to operate in one or more counties.

CHAPTER 329

An act to amend Section 17922.5 of, and add Chapter 15 (commencing with Section 25997) to Division 20 of, the Health and Safety Code, and to add Section 6321 to the Labor Code, relating to safety glazing materials.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17922.5 of the Health and Safety Code is amended to read:

17922.5. The commission shall adopt, amend, repeal, and except as hereinafter provided, enforce rules and regulations for the installation of glassed or glazed exterior openings in hazardous locations in buildings that will provide adequate safety to the occupants and general public. The rules and regulations shall include provisions imposing requirements reasonably consistent with recognized and accepted standards such as those contained in the Uniform Building Code, as adopted by the International Conference of Building Officials, and shall be at least as strict as the standards provided for in Chapter 15 (commencing with Section 25997) of Division 20 of this code.

SEC. 2. Chapter 15 (commencing with Section 25997) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 15. SAFETY GLAZING MATERIALS

25997. As used in this chapter:

(a) "Safety glazing material" means any glazing material, such as tempered glass, laminated glass, wire glass, or rigid plastic, which meets the test requirements of American National Standards Institute Z-97.1-1966 and such further requirements as may be adopted by the Commission of Housing and Community Development, after notice and hearing, and which are so constructed, treated, or combined with other materials as to minimize the likelihood of cutting and piercing injuries resulting from human contact with the glazing material.

(b) "Hazardous locations" means those installations, glazed or to be glazed, in residential, commercial, and public buildings known as sliding glass doors, framed or unframed glass doors and adjacent fixed glazed panels which may be mistaken for means of ingress or egress, storm doors, shower doors, and tub enclosures, whether or not the glazing in such doors, panels, or enclosures is transparent, and in any other area wherein the use of other than safety glazing materials would constitute a hazard as the commission may determine after notice and hearings.

25997.2. (a) Each light of safety glazing material manufactured, distributed, imported, or sold for use in hazardous locations, or installed in such a location within the state, shall be permanently labeled by such means as etching, sandblasting, or firing ceramic material on the safety glazing material. The label shall identify the labeler, whether manufacturer, fabricator, or installer, the thickness and type of safety glazing material, the fact that such material meets the test requirements of American National Standards Institute Z-97.1-1966, and such further requirements as may be adopted by the commission. The label shall be legible and visible after installation.

(b) Such safety glazing labeling shall not be used on other than safety glazing materials.

25997.4. It shall be unlawful within the state to knowingly sell, fabricate, assemble, glaze, install, consent, or cause to be installed glazing materials other than safety glazing materials in, or for use in, any hazardous location, unless the glazing material satisfies stricter standards prescribed by the Commission of Housing and Community Development or the Division of Industrial Safety of the Department of Industrial Relations.

25997.6. No liability under this chapter shall be created as to workmen who are employees of a contractor, subcontractor, or other employer responsible for compliance with this chapter.

25997.8. Any person who violates any provision of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six months, or both.

25998. The provisions of this chapter shall apply in all parts of the state.

25998.2. The provisions of this chapter shall be administered and enforced pursuant to Chapter 5 (commencing with Section 17960) of Part 1.5 of Division 13.

SEC. 3. Section 6321 is added to the Labor Code, to read:

6321. Any rules and regulations adopted by the division relating to the use and installation of glazing materials in hazardous locations shall be at least as strict as those standards provided for in Chapter 15 (commencing with Section 25997) of Division 20 of the Health and Safety Code.

CHAPTER 330

An act to add Section 5705.5 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5705.5 is added to the Welfare and Institutions Code, to read:

5705.5. It is the intent of the Legislature to encourage counties to contract with nonprofit community organizations in order to provide innovative, noninpatient treatment services for persons specified in this part. Such services should be consistent with program priorities developed by the Director of the Department of Mental Hygiene after consultation with the Citizens Advisory Council and the Conference of Local Mental Health Directors. Such contracts shall provide for at least one of the following: (a) outpatient services, including indigenous, self-help services, (b) rehabilitative services, (c) precare and aftercare services, including residential facilities and halfway houses. Each contract shall also provide methods for evaluating the effectiveness of the services provided.

Contracts entered into under this section shall be financed within an approved Short-Doyle Plan. For the purposes of this section the cost-sharing formula of such contracts shall be 85 percent state funds, 5 percent county funds and 10 percent funding from the contracting organization which shall not include state or federal funds.

The total amount of state funds for contracts under this section shall not exceed 5 percent of the total General Fund appropriation for services specified under this part. No single contract shall continue to be funded under the provisions of this section for more than three years.

CHAPTER 331

An act to amend Section 27156 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 8, 1970. Filed with Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27156 of the Vehicle Code is amended to read:

27156. No person shall operate or leave standing upon any highway any motor vehicle which is required to be equipped with a motor vehicle pollution control device under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code or any other certified motor vehicle pollution control device required by any other state law or any rule or regulation adopted pursuant to such law, or required to be equipped with a motor vehicle pollution control device pursuant to the National Emissions Standards Act (42 U.S.C., Secs. 1857f-1 to 1857f-7, inclusive) and the standards and regulations promulgated thereunder, unless the motor vehicle is equipped with the required motor vehicle pollution control device which is correctly installed and in operating condition. No person shall disconnect, modify, or alter any such required device.

No person shall sell, offer for sale, or advertise any device, apparatus, or mechanism intended for use with, or as a part of, any required motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device or system.

When the court finds that a person has willfully violated this section, he shall be fined the maximum amount that may be imposed in the case, and no part of the fine may be suspended.

"Willfully," as used in this section, has the same meaning as the meaning of that word prescribed in Section 7 of the Penal Code.

No person shall operate a vehicle after notice by a traffic officer that such vehicle is not equipped with the required certified motor vehicle pollution control device correctly installed in operating condition, except as may be necessary to return the vehicle to the residence or place of business of the owner or driver or to a garage, until the vehicle has been properly equipped with such a device.

The notice to appear issued or complaint filed for a violation of this section shall require that the person to whom the notice to appear is issued or against whom the complaint is filed produce proof of correction pursuant to Section 40150.

This section shall not apply to an alteration, modification, or modifying device, apparatus, or mechanism found by resolution of the State Air Resources Board either:

(1) To not reduce the effectiveness of any required motor vehicle pollution control device; or

(2) To result in emissions from any such modified or altered vehicle which are at levels which comply with existing state or federal standards for that model year of the vehicle being modified or converted.

CHAPTER 332

An act to amend Section 50471 of the Government Code, relating to airports.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 50471 of the Government Code is amended to read:

50471. All or any portion of land acquired by a governmental agency for airport purposes may be used for park or recreation purposes until actually needed for airport development.

CHAPTER 333

An act to amend Section 1203.2 of, and to add Section 1203.04 to, the Penal Code, relating to probation.

[Approved by Governor July 8, 1970. Filed with
Secretary of State July 8, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.2 of the Penal Code is amended to read:

1203.2. (a) At any time during the probationary period of a person released on probation under the care of a probation officer pursuant to this chapter, any probation or peace officer may, without warrant or other process and at any time until the final disposition of the case, rearrest the person and bring him before the court or the court may, in its discretion, issue a warrant for his rearrest. Upon such rearrest, the court may revoke and terminate such probation if the interests of justice so require and the court, in its judgment, has reason to believe from the report of the probation officer or otherwise that the person has violated any of the conditions of his probation, has become abandoned to improper associates or a vicious life, or has subsequently committed other offenses, regardless whether he has been prosecuted for such offenses.

(b) Upon its own motion or upon the petition of the probationer or the district attorney of the county in which the probationer is supervised, the court may modify, revoke, or terminate the probation of the probationer pursuant to this subdivision. The court shall give notice of its motion, and the

district attorney shall give notice of his petition to the probationer and the probation officer; and the probationer shall give notice of his petition to the probation officer. The court shall refer its motion or the petition to the probation officer. After the receipt of a written report from the probation officer, the court shall read and consider the report and either its motion or the petition and may modify, revoke, or terminate the probation of the probationer upon the grounds set forth in subdivision (a) if the interests of justice so require.

The notice required by this subdivision may be given to the probationer upon his first court appearance in such proceeding.

(c) Upon any revocation and termination of probation, the court may, if the sentence has been suspended, pronounce judgment for any time within the longest period for which the person might have been sentenced. However, if the judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension and order that the judgment shall be in full force and effect. In either case, the person shall be delivered over to the proper officer to serve his sentence, less any credits herein provided for.

(d) In any case of revocation and termination of probation, including, but not limited to, cases in which the judgment has been pronounced and the execution thereof has been suspended, upon such revocation and termination, the court may, in lieu of any other sentence, commit the person to the Department of the Youth Authority if he is otherwise eligible for such commitment.

(e) If probation has been revoked before the judgment has been pronounced, the order revoking probation may be set aside for good cause upon motion made before pronouncement of judgment. If probation has been revoked after the judgment has been pronounced, the judgment and the order which revoked the probation may be set aside for good cause within 30 days after the court has notice that the execution of the sentence has commenced. If an order setting aside the judgment, the revocation of probation, or both is made after the expiration of the probationary period, the court may again place the person on probation for such period and with such terms and conditions as it could have done immediately following conviction.

SEC. 2. Section 1203.04 is added to the Penal Code, to read:

1203.04. In all cases where probation is granted to a person, the clerk of the court shall immediately submit a copy of the probation order and any subsequent changes in probationary status to the police department or other law enforcement agency which arrested the person or investigated the matter for the violation which supports the probation order.

This section shall apply to all persons who are on probation on or after the effective date of the enactment of this section at the 1970 Regular Session of the Legislature.

CHAPTER 334

An act to add Section 29006 to the Vehicle Code, relating to towing equipment.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 29006 is added to the Vehicle Code, to read:

29006. (a) No person shall operate a vehicle towing another motor vehicle upon a freeway unless the towing vehicle is coupled to the towed vehicle by a rigid structure attached securely to both vehicles by nonrigid means.

(b) The requirements of subdivision (a) are not applicable to a vehicle towing a motor vehicle which has been disabled and is being towed from the point of disablement to the nearest and most accessible exit from the freeway.

CHAPTER 335

An act making an appropriation for the support of the Automobile Accident Study Commission, to take effect immediately.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the Motor Vehicle Fund in the State Treasury the sum of thirty-nine thousand dollars (\$39,000) to the Automobile Accident Study Commission in augmentation of Section 6 of Chapter 1256 of the Statutes of 1967 for the expenses for the completion of the activities of the commission.

SEC. 2. This act makes an appropriation for the usual current expenses of the state within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 336

An act to amend Section 16001 of, and to add Section 16001.5 to, the Business and Professions Code, relating to business licenses.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 16001 of the Business and Professions Code is amended to read:

16001. Every honorably discharged or honorably relieved soldier, sailor, or marine of the United States or Confederate States who served in the Civil War, any Indian war, the Spanish-American War, any Philippine insurrection, the Chinese Relief Expedition, the World War of 1914 and years following, or World War II, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state, may distribute circulars, and hawk, peddle, and vend any goods, wares or merchandise owned by him, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license tax or fee whatsoever, whether municipal, county or state, and the legislative body shall issue to such soldier, sailor or marine, without cost, a license therefor.

SEC. 2. Section 16001.5 is added to the Business and Professions Code, to read:

16001.5. Every person who was honorably discharged or honorably relieved from the military, naval or air service of the United States who served on or after June 27, 1950, and prior to February 1, 1955, or on or after August 5, 1964, and prior to a future date to be established by the Legislature, who is physically unable to obtain a livelihood by manual labor, and who is a resident of this state, may distribute circulars, and hawk, peddle, and vend any goods, wares or merchandise owned by him, except spirituous, malt, or vinous, or other intoxicating liquor, without payment of any license tax or fee whatsoever, whether municipal, county or state, and the legislative body shall issue to such person, without cost, a license therefor.

CHAPTER 337

An act relating to the development of the Bidwell Canyon-Kelly Ridge Area of Oroville Reservoir State Recreation Area, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation, in connection with the development of the Bidwell Canyon-Kelly Ridge Area of Oroville Reservoir State Recreation Area, may develop utilities and access roads located outside boundaries of state-owned lands.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The timely development of the Oroville Reservoir State Recreation Area depends upon entering into contracts for the development of utilities and access roads located outside the

boundaries of state-owned lands. It is necessary that the provisions of this act become effective immediately to shorten the development period of such area and to take advantage of unforeseen events which could cause substantial savings of funds to the state.

CHAPTER 338

An act to amend Sections 19005, 19450, and 19702 of, and to repeal Section 7501 of, the Welfare and Institutions Code, relating to rehabilitation services, programs and facilities.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7501 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 19005 of the Welfare and Institutions Code is amended to read:

19005. The department is vested with all necessary powers and authority to cooperate with the government of the United States or any agency or agencies thereof in the administration of any act of Congress and rules and regulations lawfully adopted thereunder relating to the disabled or rehabilitation of the handicapped.

SEC. 3. Section 19450 of the Welfare and Institutions Code is amended to read:

19450. The department may establish residential rehabilitation facilities for the mentally retarded in such locations in the state as are deemed necessary. Residential rehabilitation facilities established under this section will be developed to serve the mentally retarded who do not need intensive medical and psychiatric care but who do require a protected living environment. The goal of the resident rehabilitation facilities will be to develop mentally retarded individuals being served to the maximum level of physical, psychological, social, and vocational functioning of which they are capable. The resources and services of these facilities may also be made available to retarded individuals living in the community who do not require residential care.

SEC. 3. Section 19702 of the Welfare and Institutions Code is amended to read:

19702. The members of the board shall meet whenever required to hear appeals which have been filed with the board. Special meetings may be called by the chairman, who shall notify the other members of the time and place of such meetings.

Three members of the board shall constitute a quorum for the performance of any duty or for the exercise of any power of the board.

CHAPTER 339

An act to add Section 4135 to, and to repeal Article 4 (commencing with Section 6450) of Chapter 2 of, Article 3 (commencing with Section 6710) of Chapter 3 of, and Article 3 (commencing with Section 6735) of Chapter 4 of Part 2 of Division 6 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor July 9, 1970. Filed with Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4135 is added to the Welfare and Institutions Code, to read:

4135. Any person committed to the Department of Mental Hygiene as a mentally abnormal sex offender shall remain a patient committed to the department for the period specified in the court order of commitment or until discharged by the medical director of the state hospital in which the person is a patient, whichever occurs first. The medical director may grant such patient a leave of absence upon such terms and conditions as the medical director deems proper. The petition for commitment of a person as a mentally abnormal sex offender, the reports, the court orders and other court documents filed in the court in connection therewith shall not be open to inspection by any other than the parties to the proceeding, the attorneys for the party or parties, and the State Department of Mental Hygiene, except upon the written authority of a judge of the superior court of the county in which the proceedings were had.

Records of the supervision, care and treatment given to each person committed to the Department of Mental Hygiene as a mentally abnormal sex offender shall not be open to the inspection of any person not in the employ of the department or of the state hospital, except that a judge of the superior court may by order permit examination of such records.

The charges for the care and treatment rendered to persons committed as mentally abnormal sex offenders shall be in accordance with the provisions of Article 4 (commencing with Section 7275) of Chapter 3 of Division 7.

SEC. 2. Article 4 (commencing with Section 6450) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 3. Article 3 (commencing with Section 6710) of Chapter 3 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 4. Article 3 (commencing with Section 6735) of Chapter 4 of Part 2 of Division 6 of the Welfare and Institutions Code is repealed.

CHAPTER 340

An act to amend Sections 7026, 7027, 7045, 7046, and 7072 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7026 of the Business and Professions Code is amended to read:

7026. The term contractor for the purposes of this chapter is synonymous with the term "builder" and, within the meaning of this chapter, a contractor is any person, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, parking facility, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection therewith or the installation of a mobilehome upon a site for the purpose of human habitation or human occupancy. The term contractor includes subcontractor and specialty contractor.

SEC. 2. Section 7027 of the Business and Professions Code is amended to read:

7027. For the purposes of this chapter,

(a) "Mobilehome" means a vehicle defined in Section 18008 of the Health and Safety Code.

(b) "Mobilehome accessory building or structure" means a building or structure defined in Section 18010 of the Health and Safety Code.

SEC. 3. Section 7045 of the Business and Professions Code is amended to read:

7045. (a) Except as provided in subdivision (b) this chapter does not apply to the sale or installation of any finished products, materials or articles of merchandise, which do not become a fixed part of the structure, or shall it apply to a materialman or manufacturer furnishing finished products, materials, or articles of merchandise who does not install or contract for the installation of such items. The term "finished products" shall not include installed carpets.

(b) This chapter shall apply to the installation and erection of mobilehome accessory buildings and structures.

SEC. 4. Section 7046 of the Business and Professions Code is amended to read:

7046. (a) Except as provided in subdivision (b) this chapter does not apply to any construction, alteration, improvement or repair of personal property.

(b) This chapter shall apply to:

(1) The installation of a mobilehome upon a site for the purpose of human habitation or occupancy.

(2) The installation and erection of mobilehome accessory buildings and structures.

SEC. 5. Section 7072 of the Business and Professions Code is amended to read:

7072. Following receipt of the application fee and an application furnishing complete information in the manner required by the registrar, and after such examination and investigation as he may require, the registrar, within 15 days after approval of the application, shall notify the applicant that a license may be issued to him on payment of the initial license fee provided in Article 8 (commencing at Section 7135), and, when the initial license fee is paid, shall issue a license to him permitting him to engage in business as a contractor under the terms of this chapter.

CHAPTER 341

An act to amend Section 450 of the Elections Code, relating to indexes of registration.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 450 of the Elections Code is amended to read:

450. At least once, and oftener if he deems is necessary, within each two-year period commencing on the first day of January in each odd-numbered year, the county clerk shall have printed a complete index, by precinct, to the affidavits of registration current at the date of printing. The county clerk shall keep a copy of such index on file as a public record for a period of five years. The index shall contain the name, address, and political affiliation of each voter, and also a ruled space to the left of each name, within which to write, in figures, the line number designating the position of the name of the voter on the roster of voters. The name shall include the given name and the middle name or initials, if any. If the name is that of a woman, the given name shall be preceded by the designation "Miss" or "Mrs." The index shall be printed in a size no smaller than eight-point roman type on eight-point body and shall be arranged in alphabetical order in accordance with the surnames of the voters. A space of not less than one-quarter inch or one line of printing shall be left between the names of voters beginning with one letter of the alphabet and those starting with the next letter of the alphabet. Supplements of the same content and style may be printed as need for them appears.

CHAPTER 342

An act to amend Section 287 of the Elections Code, relating to affidavits of registration.

[Approved by Governor July 9, 1970 Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 287 of the Elections Code is amended to read:

287. In lieu of duplicate blank forms for affidavits of registration, the county clerk may provide original blank forms only, bound and prepared as required by Section 280, if the county clerk promptly prepares, upon the receipt in his office of each original affidavit of registration, a reproduction thereof in compliance with the following conditions:

(a) The affidavit is photographed, microphotographed or reproduced in a manner approved for permanent records by the National Bureau of Standards;

(b) The device used to reproduce such affidavit is one which accurately reproduces the original thereof in all details;

(c) The photographs, microphotographs, or other reproductions are placed in conveniently accessible files and provision is made for preserving, examining and using the same.

Wherever in this code the term duplicate affidavit is used it shall be deemed to include the reproduced affidavit authorized by this section.

CHAPTER 343

An act to amend Section 22600 of the Elections Code, relating to municipal elections.

[Approved by Governor July 9, 1970 Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 22600 of the Elections Code is amended to read:

22600. Whenever the county clerk is required to examine the signatures upon any nomination paper or petition of any candidate for a municipal office, he may employ necessary help for the examination. The cost shall be paid by the city.

CHAPTER 344

*An act to amend Section 1203.01 of the Penal Code,
relating to filing postconviction statements.*

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.01 of the Penal Code is amended to read:

1203.01. Immediately after judgment has been pronounced, the judge and the district attorney, respectively, may cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have filed relative to the prisoner. The judge and district attorney shall cause such statements to be filed if no probation officer's report has been filed. The attorney for the defendant and the law enforcement agency that investigated the case may likewise file with the clerk of the court statements of their views respecting the defendant and the crime of which he was convicted. Forthwith after the filing of such statements and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage thereon prepaid, addressed to the Department of Corrections at the prison or other institution to which the person convicted is delivered. The clerk shall also mail a copy of any statement submitted by the court, district attorney, or law enforcement agency, pursuant to this section, with postage thereon prepaid, addressed to the attorney for the defendant, if any, and to the defendant in care of the Department of Corrections, and a copy of any statement submitted by the attorney for the defendant, with postage thereon prepaid, shall be mailed to the district attorney.

CHAPTER 345

*An act to amend Section 228 of the Probate
Code, relating to succession.*

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 228 of the Probate Code is amended to read:

228. If the decedent leaves neither spouse nor issue, and the estate or any portion thereof was community property of the decedent and a previously deceased spouse, and belonged or went to the decedent by virtue of its community character on the death of such spouse, or came to the decedent from

said spouse by gift, descent, devise or bequest, or became vested in the decedent on the death of such spouse by right of survivorship in a homestead, or in a joint tenancy between such spouse and the decedent or was set aside as a probate homestead, such property goes in equal shares to the children of the deceased spouse and their descendants by right of representation, and if none, then one-half of such community property goes to the parents of the decedent in equal shares, or if either is dead to the survivor, or if both are dead in equal shares to the brothers and sisters of the decedent and their descendants by right of representation, and the other half goes to the parents of the deceased spouse in equal shares, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of said deceased spouse and to their descendants by right of representation.

If any of the property subject to the provisions of this section would otherwise escheat to this state because there is no relative, including next of kin, of one of the spouses to succeed to such portion of the estate, such property shall be distributed in accordance with the provisions of Section 296.4 of this code.

CHAPTER 346

An act to maintain the Government Code by amending Sections 945.6, 3701, 4420, 11012, 11126, 11200, 11501, 16724, 18973, 20364, 20750.1, 20750.2, 20750.3, 20750.4, 20750.42, 20751, 20782, 21252.10, 21365.5, 22152.6, 22828, 24300, 24304, 45002, 58002, and 70046.1, and by repealing Article 8 (commencing with Section 12085) of Chapter 1, Part 2, Division 3, Title 2, Part 14 (commencing with Section 16000) as added by Chapter 1380, Statutes of 1968, of Division 3, Title 2, Sections 20750.14, 20750.141, 20750.24, 20750.25, 20750.31, 20750.34, 20750.35, 20750.411, 20750.413, 20750.433, 20750.455, 40402, 54905, 54914, 54915, 54916, 54917, 54918, 54919, 54920, 54921, 54922, 54923, 54924, 54924.5, 54925, 54926, 54927, 54928, 54929, 54929.1, 54929.2, 54930, 54930.1, 54931.5, 54931.6, and Article 21 (commencing with Section 74180) of Chapter 10, Title 8, relating to the system of state and local government.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 945.6 of the Government Code is amended to read:

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b) of this section, any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (com-

mencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced (1) within six months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division, or (2) within one year from the accrual of the cause of action, whichever period expires later.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limit for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

SEC. 2. Section 3701 of the Government Code is amended to read:

3701. Any person who filed a statement under Section 3700 in the preceding year may comply with the requirements of Section 3700 by filing a supplemental statement listing only the changes in the nature and extent of his investments, including the ownership of shares in any corporation or the ownership of a financial interest in any business entity, or stating that no changes occurred if such is the case.

SEC. 3. Section 4420 of the Government Code is amended to read:

4420. No officer or employee of this state, or of any public agency or of any public authority, and no person acting or purporting to act on behalf of such officer, employee, or public agency or authority, except a public agency or authority created pursuant to agreement or compact with another state, shall, with respect to any public building or construction contract which is about to be or which has been competitively bid, require the bidder to make application to, or furnish financial data to, or to obtain or procure any surety bond or contract of insurance specified in connection with such contract, or specified by any law, ordinance, or regulation, from, a particular surety or insurance company, agent or broker. No such officer or employee, or person, firm, or corporation acting or purporting to act on behalf of such officer or employee, shall negotiate, make application for, obtain, or procure any such surety bond or contract of insurance (except contracts of insurance for builder's risk or owner's protective liability) which can be obtained or procured by the bidder, contractor, or subcontractor.

This chapter shall not apply to any project under design or construction on August 4, 1967, by or on behalf of a public agency or authority if such agency or authority was then engaged in insurance activity with respect to such project that otherwise would be prohibited by this chapter.

As used in this section, "public agency" means any city, county, city and county, district, municipal or public corporation or any agency or instrumentality thereof.

SEC. 4. Section 11012 of the Government Code is amended to read:

11012. Whenever any state agency, including but not limited to state agencies acting in a fiduciary capacity, is authorized to invest funds, or to sell or exchange securities, prior approval of the Department of Finance to the investment, sale or exchange shall be secured.

Every state agency shall furnish the Department of Finance with such reports and in such form, relating to the funds or securities, their acquisition, sale or exchange, as may be requested by the Department of Finance from time to time.

This section does not apply to the following state agencies.

(a) Any state agency when issuing or dealing in securities authorized to be issued by it.

(b) The Treasurer.

(c) The Regents of the University of California.

(d) Department of Human Resources Development.

(e) Department of Veterans Affairs.

(f) Hastings College of Law.

(g) Board of Administration of the California Public Employees' Retirement System.

(h) State Compensation Insurance Fund.

(i) California Toll Bridge Authority and Department of Public Works when acting in accordance with bond resolutions adopted under the California Toll Bridge Authority Act prior to the effective date of this section.

(j) Teachers' Retirement Board of the State Teachers' Retirement System.

SEC. 5. Section 11126 of the Government Code is amended to read:

11126. Nothing contained in this article shall be construed to prevent a state agency from holding executive sessions during a regular or special meeting to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. As a condition to holding an executive session on the complaints or charges to consider disciplinary action or to consider dismissal such officer or employee shall be given written notice of his right to have a public hearing rather than an executive session, which notice shall be delivered to him personally or by mail at least 24 hours before the time for holding a regular or special meeting. If notice is not given,

any disciplinary or other action taken against any officer or employee at such executive session shall be null and void. The state agency also may exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the state agency. Following the public hearing or executive session the agency may deliberate on the decision to be reached in an executive session.

Nothing in this article shall be construed to prevent state agencies, which administer the licensing of persons engaging in businesses or professions, from holding executive sessions to prepare, approve, grade or administer examinations.

Nothing in this article shall be construed to prohibit a state agency from holding an executive session to deliberate on a decision to be reached based upon evidence introduced in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code or similar provision of law.

Nothing in this article shall be construed to prevent any state agency from holding an executive session to consider matters affecting the national security.

Nothing in this article shall be construed to grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state agency from holding an executive session when considering and acting upon the determination of a term, parole, or release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

Nothing in this article shall be construed to prevent any executive session to consider the conferring of honorary degrees, or gifts, donations and bequests which the donor or proposed donor has requested in writing to be kept confidential.

Nothing in this article shall be construed to prevent the Alcoholic Beverage Control Appeals Board from holding an executive session for the purpose of holding a deliberative conference as provided in Section 11125 of the Government Code.

Nothing in this article shall be construed to prevent the Trustees of the California State Colleges from holding executive sessions dealing with site selection for such state colleges.

Nothing in this article shall be construed to prevent the Franchise Tax Board from holding executive sessions for the purpose of discussion of confidential tax returns or data the public disclosure of which is prohibited by law.

Nothing in this article shall be construed to prevent the Board of Corrections from holding executive sessions when considering reports of crime conditions under the provisions of Section 6027 of the Penal Code.

Nothing in this article shall be construed to prevent the State Air Resources Board from holding executive sessions

when considering the proprietary specifications and performance data of manufacturers.

Nothing in this article shall be construed to prevent the Board of Administration of the Public Employees Retirement System from holding executive sessions when considering investment decisions.

Nothing in this article shall be construed to prevent the governing body of a public agency, or such boards, commissions, administrative officers, or other representatives as may properly be designated by law or by such governing body, from holding executive sessions with its representatives at any time in discharging its responsibilities under Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of this code as such sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits.

SEC. 6. Section 11200 of the Government Code is amended to read:

11200. The Governor, upon recommendation of the director of the following state departments, may appoint not to exceed two chief deputies for the Directors of the Departments of Finance, Public Works, General Services, and Mental Hygiene, and not to exceed one chief deputy for the Directors of the Departments of Social Welfare, Agriculture, Insurance, Human Resources Development, Motor Vehicles, Professional and Vocational Standards, and Water Resources.

The deputies provided for in this section shall be in addition to those authorized by any other law.

SEC. 7. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.

California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.

State Board of Registration for Professional Engineers.

Registrar of Contractors.

State Board of Cosmetology.

State Board of Funeral Directors and Embalmers.
Structural Pest Control Board.
Department of Navigation and Ocean Development.
Director of Professional and Vocational Standards.
Collection Agency Licensing Bureau.
State Fire Marshal.
State Board of Registration for Geologists.
Director of Agriculture.
Labor Commissioner.
Real Estate Commissioner.
Commissioner of Corporations.
Department of Social Welfare.
State Social Welfare Board.
Department of Mental Hygiene.
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.
Board of Pilot Commissioners for Humboldt Bay and Bar.
Board of Pilot Commissioners for the Harbor of San Diego.
Fish and Game Commission.
State Board of Education.
Insurance Commissioner.
Savings and Loan Commissioner.
State Board of Dry Cleaners.
Social Worker and Marriage Counselor Qualification Board.
State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Department of Aeronautics.
Board of Administration, Public Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13443 of the Education Code.
State Fair Employment Practice Commission.
Bureau of Employment Agencies.
SEC. 8. Article 8 (commencing with Section 12085) of Chapter 1, Part 2, Division 3, Title 2 of the Government Code is repealed.
SEC. 9. Part 14 (commencing with Section 16000) as added by Chapter 1380, Statutes of 1968, of Division 3, Title 2 of the Government Code is repealed.

SEC. 10. Section 16724 of the Government Code is amended to read:

16724. The bond act shall contain the following provisions:

(a) A statement of the total amount of bonds authorized to be issued and the purpose for which the proceeds from the sale of the bonds may be used.

(b) The creation of a committee and fund, and the naming of the board.

(c) A statement that the bonds are valid obligations of the state and a pledge of the full faith and credit of the state for the punctual payment of both principal and interest thereof.

(d) An appropriation from the General Fund in the State Treasury of such sum annually as will be necessary to pay the principal and interest on the bonds as they become due and payable.

(e) A requirement that there be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on the bonds; and a provision making it the duty of all officers charged by law with any duty in regard to the collections of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

(f) A provision requiring the transfer into the General Fund in the State Treasury, on the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds, from the fund, so far as available therein, of amounts equal to all sums so becoming due for principal and interest; and a provision that if the money so returned on said remittance dates is less than the principal and interest then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon thereafter as it shall become available, together with interest thereon from such remittance dates until so returned at the same rate as borne by the bonds, compounded semianually. This provision shall not be required whenever the fund will have receipts only from the proceeds of the sale of bonds issued pursuant to the bond act, or from proceeds of investments made pursuant to Article 4 (commencing with Section 16470) of Chapter 3, Part 2, Division 4, Title 2.

(g) A provision incorporating the provisions of this chapter, and a declaration that the provisions hereof are included in said act as though set out in full therein.

SEC. 11. Section 18973 of the Government Code is amended to read:

18973. In the case of all other entrance examinations, a veteran with 30 days or more of service and widows of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:

(a) Disabled veterans, 15 points.

(b) All other veterans and widows of veterans, 10 points.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section the termination of World War II shall be considered as of midnight, December 31, 1946.

For the purpose of this section "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his service. Proof of such disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

SEC. 12. Section 20364 of the Government Code is amended to read:

20364. An employee of the Senate or the Assembly, or the respective committees thereof, whose salaries or wages are paid from the Contingent Funds of the Senate or the Assembly, or the Contingent Funds of the Assembly and Senate, shall be deemed a "legislative employee." Such employee is excluded from membership in this system unless he files with the board an election in writing to become a member. Such election shall not be required of a legislative employee who is a member of this system on October 1, 1963. He may so elect at any time prior to retirement and he shall have the option as to how much of his previous legislative service is to be credited. The legislative employee shall make contributions to this system in respect to the previous service as a legislative employee for which he desires credit, in the amount which he would have contributed had he been a member at any time that he previously rendered such service, plus an amount equal to the interest, to the date or dates of his payment, which would have been credited to those contributions had he been a member when the previous service as a legislative employee was rendered. Such contributions and interest shall be paid to this system at times, in amounts, and in a manner fixed by the board. If he affirmatively exercises the option:

(a) He shall receive credit for previous service as a legislative employee in the same manner as if he had been a member when the service was rendered, and

(b) His rate of contribution shall be based on the nearest age at the time he first rendered service for which he is seeking credit by his election, with the total period of any breaks in such service added to his age for the purpose of this computation.

SEC. 13. Section 20750.1 of the Government Code is amended to read:

20750.1. The contribution to the retirement fund of a public employer, some or all of whose employees who are miscellaneous members have been included in the federal system, in respect to miscellaneous members is a sum equal to 7.25 percent of the compensation paid miscellaneous members employed by such employer.

SEC. 14. Section 20750.14 of the Government Code is repealed.

SEC. 15. Section 20750.141 of the Government Code is repealed.

SEC. 16. Section 20750.2 of the Government Code is amended to read:

20750.2. A public employer's contribution to the retirement fund in respect to state patrol members is a sum equal to 29.21 percent of the compensation paid state patrol members employed by such employer.

SEC. 17. Section 20750.24 of the Government Code is repealed.

SEC. 18. Section 20750.25 of the Government Code is repealed.

SEC. 19. Section 20750.3 of the Government Code is amended to read:

20750.3. A public employer's contribution to the retirement fund in respect to forestry members is a sum equal to 9.43 percent of the compensation paid forestry members employed by such employer.

SEC. 20. Section 20750.31 of the Government Code is repealed.

SEC. 21. Section 20750.34 of the Government Code is repealed.

SEC. 22. Section 20750.35 of the Government Code is repealed.

SEC. 23. Section 20750.4 of the Government Code is amended to read:

20750.4. A public employer's contribution to the retirement fund in respect to warden members is a sum equal to 20.37 percent of the compensation paid warden members employed by such employer.

SEC. 24. Section 20750.411 of the Government Code is repealed.

SEC. 25. Section 20750.413 of the Government Code is repealed.

SEC. 26. Section 20750.42 of the Government Code is amended to read:

20750.42. A public employer's contribution to the retirement fund in respect to law enforcement members is a sum equal to 24.69 percent of the compensation paid law enforcement members employed by such employer.

SEC. 27. Section 20750.433 of the Government Code is repealed.

SEC. 28. Section 20750.455 of the Government Code is repealed.

SEC. 29. Section 20751 of the Government Code is amended to read:

20751. From the General Fund in the State Treasury there is appropriated monthly to the Retirement Fund the state's contribution for:

(a) All state miscellaneous members and all other categories of members whose compensation is paid from the General Fund.

(b) All university members whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All state miscellaneous members who are employed by the Department of Education or the Department of Rehabilitation and whose compensation is paid from the Vocational Education Federal Fund, the Vocational Rehabilitation Federal Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for state contributions to the retirement system.

(d) All state miscellaneous members whose compensation is paid from the Senate Contingent Fund or the Assembly Contingent Fund or the Contingent Funds of the Assembly and Senate.

SEC. 30. Section 20782 of the Government Code is amended to read:

20782. From the General Fund in the State Treasury there shall be transferred from time to time, to the Old Age and Survivors Insurance Revolving Fund the amount of employer federal contributions with respect to salaries and wages paid on and after July 1, 1963, or paid prior to but included in reports of adjustments of covered wages filed by the state on or after said date, for those state members covered by the agreement whose compensation is paid from either:

(a) The General Fund.

(b) Funds of or funds appropriated to the university.

(c) The Vocational Education Federal Fund, the Vocational Rehabilitation Federal Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for the payment of employer federal contributions.

(d) The Senate Contingent Fund or the Assembly Contingent Fund or the Contingent Funds of the Assembly and Senate.

SEC. 31. Section 21252.10 of the Government Code is amended to read:

21252.10. The combined prior and current service pensions for law enforcement members and those local safety members subject to provisions applicable to law enforcement members, upon retirement at or after age 55 is a pension derived from the contributions of the employer which, when added to that portion of the service retirement annuity that is derived from

the accumulated normal contributions of the member, shall equal a percentage of his final compensation, multiplied by the number of years of law enforcement, fire, police or county peace officer service, as the case may be, such percentage to be $2\frac{1}{2}$ or, if less, the percentage obtained by division of 50 percent by the difference between age 55 and the member's age at his birthday nearest to the date of his first entry into any service to which this section, Section 21252.1 or 21252.2 of this part applied, whether or not such service is credited at retirement, increased, as to service following an absence from employment to which any such section applies, by the number of completed years of such absence. Any member entering such service at or after age 55 shall be deemed, for purposes of this section, to have entered such service at age 54.

The amendment to this section at the 1968 Regular Session shall apply only to such members retiring on and after the effective date of the amendment. Current and prior service pensions of such members retired prior to the effective date shall be continued in accordance with the provisions of this part (commencing with Section 20000) as they existed on the day preceding the effective date.

The percentage shall be reduced by one-third, as applied to that part of the member's final compensation which does not exceed four hundred dollars (\$400) per month for service after the effective date of coverage of a member under the federal system; provided, however, that the retirement allowance of any member who was a law enforcement member on October 1, 1965, and who is subject to such reduced percentage, shall not be less than the actuarial equivalent of the retirement allowance he would have received under this section prior to its amendment at the 1965 Regular Session of the Legislature.

SEC. 32. Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with five or more years of state service and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage; or

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until

every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person, or such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependant surviving husband" means a dependent husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 33. Section 22152.6 of the Government Code is amended to read:

22152.6. Notwithstanding any provision of this part to the contrary, the board shall divide the Public Employees' Retirement System with respect to the employees of any junior college district whose employees who are members are not covered under the federal system on July 1, 1969, and shall execute a modification to the agreement to include services in positions covered by the retirement system, as defined in paragraph (1) of subdivision (l) of Section 22009.1, established by such division with coverage as of July 1, 1969. The division shall be conducted in accordance with this article. The district shall perform such function in connection with the division as the board may direct.

A school district whose employees are included in the agreement pursuant to this section shall be subject to all obligations, duties and liabilities imposed and shall have the powers conferred on a public agency under Article 2 (commencing at Section 22550) of Chapter 3 of this part.

SEC. 34. Section 22828 of the Government Code is amended to read:

22828. From the General Fund in the State Treasury, there is appropriated monthly the state's contributions under Sections 22825 and 22826 for:

(a) All employees whose compensation is paid from the General Fund.

(b) All employees whose compensation is paid from funds of, or funds appropriated to, the university.

(c) All employees who are employed by the Department of Education or the Department of Rehabilitation and whose compensation is paid from the Vocational Education Federal Fund, the Vocational Rehabilitation Federal Fund, or any other fund received, in whole or in part, as a donation to the state under restrictions preventing its use for such contributions.

(d) All employees whose compensation is paid from the Senate Contingent Fund or Assembly Contingent Fund or the Contingent Funds of the Assembly and Senate.

(e) All annuitants.

SEC. 35. Section 24300 of the Government Code is amended to read:

24300. By ordinance the board of supervisors may consolidate the duties of certain of the county offices in one or more of these combinations:

(a) Sheriff and tax collector.

(b) Auditor and recorder.

(c) County clerk, auditor, and recorder.

(d) County clerk and public administrator.

(e) County clerk and recorder.

(f) County clerk and auditor.

(g) Treasurer and tax collector.

(h) Treasurer and recorder.

- (i) Treasurer and assessor.
- (j) Treasurer and public administrator.
- (k) Public administrator and coroner.
- (l) District attorney and public administrator.
- (m) District attorney and coroner.
- (n) Sheriff and coroner.
- (o) Sheriff and public administrator.
- (p) County agricultural commissioner and county sealer of weights and measures.
- (q) Road commissioner and surveyor.

SEC. 36. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

- (a) Sheriff and tax collector.
- (b) Auditor and recorder.
- (c) County clerk, auditor, and recorder.
- (d) County clerk and public administrator.
- (e) County clerk and recorder.
- (f) County clerk and auditor.
- (g) Treasurer and tax collector.
- (h) Treasurer and recorder.
- (i) Treasurer and assessor.
- (j) Treasurer and public administrator.
- (k) Public administrator and coroner.
- (l) District attorney and public administrator.
- (m) District attorney and coroner.
- (n) Sheriff and coroner.
- (o) Sheriff and public administrator.
- (p) County agricultural commissioner and county sealer of weights and measures.
- (q) County clerk and tax collector.
- (r) Treasurer, tax collector, and recorder.
- (s) Sheriff, tax collector, and coroner.
- (t) Coroner and health officer.
- (u) Road commissioner and surveyor.
- (v) Sheriff, coroner, and public administrator.
- (w) Treasurer, tax collector, and public administrator.

SEC. 37. Section 40402 of the Government Code is repealed.

SEC. 38. Section 45002 of the Government Code is amended to read:

45002. The system may include the librarian, secretary, and other officers and employees, except members of the board of trustees, of the public library established pursuant to Chapter 3 (commencing with Section 27301) of Division 20 of the Education Code.

SEC. 39. Section 54905 of the Government Code is repealed.

SEC. 40. Section 54914 of the Government Code is repealed.

SEC. 41. Section 54915 of the Government Code is repealed.

SEC. 42. Section 54916 of the Government Code is repealed.

- SEC. 43. Section 54917 of the Government Code is repealed.
- SEC. 44. Section 54918 of the Government Code is repealed.
- SEC. 45. Section 54919 of the Government Code is repealed.
- SEC. 46. Section 54920 of the Government Code is repealed.
- SEC. 47. Section 54921 of the Government Code is repealed.
- SEC. 48. Section 54922 of the Government Code is repealed.
- SEC. 49. Section 54923 of the Government Code is repealed.
- SEC. 50. Section 54924 of the Government Code is repealed.
- SEC. 51. Section 54924.5 of the Government Code is repealed.
- SEC. 52. Section 54925 of the Government Code is repealed.
- SEC. 53. Section 54926 of the Government Code is repealed.
- SEC. 54. Section 54927 of the Government Code is repealed.
- SEC. 55. Section 54928 of the Government Code is repealed.
- SEC. 56. Section 54929 of the Government Code is repealed.
- SEC. 57. Section 54929.1 of the Government Code is repealed.
- SEC. 58. Section 54929.2 of the Government Code is repealed.
- SEC. 59. Section 54930 of the Government Code is repealed.
- SEC. 60. Section 54930.1 of the Government Code is repealed.
- SEC. 61. Section 54931.5 of the Government Code is repealed.
- SEC. 62. Section 54931.6 of the Government Code is repealed.
- SEC. 63. Section 58002 of the Government Code is amended to read:
58002. This chapter applies only when and to the extent that it is adopted or incorporated by reference in a law providing for a particular district or type of district.
- SEC. 64. Section 70046.1 of the Government Code is amended to read:
- 70046.1. In a county with a population of 600 000 or more and under 700 000, according to the 1960 federal census, the board of supervisors shall fix the salary of regular official reporters which shall be not less than a biweekly salary of five hundred twelve dollars and eighty cents (\$512.80) and the compensation of official phonographic reporters pro tempore shall be at the rate of forty-five dollars (\$45) a day, or any fractional part thereof.
- During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.
- SEC. 65. Article 21 (commencing with Section 74180) of Chapter 10, Title 8 of the Government Code is repealed.
- SEC. 66. The repeals effected by Sections 39 to 62 inclusive, of this act shall not invalidate any assessment, tax, or other matter in connection therewith.

SEC. 67. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 347

An act to amend Section 6738 of the Business and Professions Code, relating to professional engineering.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6738 of the Business and Professions Code is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical or mechanical engineers from practicing or offering to practice within the scope of their registration, civil, electrical or mechanical engineering through the medium of a partnership, firm or corporation; provided:

(1) A civil, electrical or mechanical engineer is the partner, member, or directing officer in charge of the engineering practice of the partnership, firm, or corporation.

(2) All engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered engineer in the appropriate branch of professional engineering, who shall sign or stamp with his seal such plans, specifications, and reports.

(3) The partnership, firm or corporate name shall not contain the name of any person who is either not registered by the board in a branch of professional engineering, or as an architect, or of any person who is not registered as a geologist under the provisions of the Geologist Act (Chapter 12.5, commencing with Section 7800, of this division); provided, that any holding out by such partnership, firm, or corporation of any individual or individuals to the public as a member, or members, of such partnership, firm, or corporation, other than by the use of the name or names of such individual or individuals in the partnership, firm, or corporate name, shall clearly and specifically designate the license status of such individual or individuals.

(b) Except as provided in Section 6737.2, nothing herein shall authorize the offering to practice or the practice of civil, electrical or mechanical engineering by any persons, either as a member, officer or employee of any partnership, firm, or corporation, who is not registered in the appropriate branch of professional engineering.

(c) This chapter does not prevent or prohibit an individual, firm, company, association or corporation engaged in any line of business other than the practice of civil, electrical or me-

chanical engineering from employing a registered civil, electrical or mechanical engineer to perform the corresponding civil, electrical or mechanical engineering services incidental to the conduct of their business.

(d) The provisions of this section shall not apply to, or prevent the use of the name of, any partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947; provided, all civil engineering plans, specifications, and reports are prepared by or under the direct supervision of a registered civil engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further, that all civil engineering plans, specifications and reports shall be signed by or stamped with the seal of the registered civil engineer in charge of the preparation of the same.

Nor shall they apply to or prevent the use of the name of any partnership, firm, or corporation engaged in rendering electrical or mechanical engineering services which was lawfully in existence on December 31st, 1967; provided all electrical or mechanical engineering plans, specifications, and reports are prepared correspondingly by or under the direct supervision of a registered electrical or mechanical engineer, who may be a member of the firm, or a permanent employee of the partnership, firm, or corporation; provided further that all electrical or mechanical engineering plans, specifications and reports shall correspondingly be signed by or stamped with the seal of the registered electrical or mechanical engineer in charge of the preparation of the same.

(e) The provisions of this section shall not prevent the use of the name of a partnership, firm, or corporation engaged in rendering civil engineering services which was lawfully in existence on September 30, 1947, by any lawful successor in interest or survivor if the board, upon written application informing it of the proposed method of carrying on the business and of the changes, if any, in personnel in charge of the engineering activities of the successor or survivor, determines, after hearing, that the actual operating organization of the partnership, firm, or corporation is substantially carried into and becomes an operating part of the successor or survivor and that the public safety, health, and welfare will not be impaired; provided that in the practice of civil engineering such successor in interest or survivor shall otherwise be subject to the provisions of paragraphs (1) and (2) of subdivision (a) of this section.

CHAPTER 348

An act to amend Section 2704 of the Public Utilities Code, relating to water supplies.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2704 of the Public Utilities Code is amended to read:

2704. Any owner of a water supply not otherwise dedicated to public use and primarily used for domestic or industrial purposes by him or for the irrigation of his lands, who (a) sells or delivers the surplus of such water for domestic or school district purposes or for the irrigation of adjoining lands, or (b) in an emergency water shortage sells or delivers water from such supply to others for a limited period not to exceed one irrigation season, or (c) sells or delivers a portion of such water supply as a matter of accommodation to neighbors to whom no other supply of water for domestic or irrigation purposes is equally available, is not subject to the jurisdiction, control, and regulation of the commission.

CHAPTER 349

An act to repeal Section 154 of the Labor Code, relating to labor.

[Approved by Governor July 9, 1970. Filed with Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 154 of the Labor Code is repealed.

CHAPTER 350

An act to maintain the Unemployment Insurance Code by amending Sections 130, 133, 134, and the heading of Article 1 (commencing with Section 301) of Chapter 2, Part 1, Division 1, and Sections 401, 605.5, 1087, 1269, 1535, 1536, 1537, 1535, 1586, 1587, 1601, 2071, 3125, 3125.5, 3126, 3127, 3128, 3129, 3132, 5001, 5002, 5003, 5012, 5200, and 5400, relating to unemployment insurance.

[Approved by Governor July 9, 1970. Filed with Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 130 of the Unemployment Insurance Code is amended to read:

130. "Contingent Fund" means the Department of Human Resources Development Contingent Fund.

SEC. 2. Section 133 of the Unemployment Insurance Code is amended to read:

133. "Department" means the Department of Human Resources Development.

SEC. 3. Section 134 of the Unemployment Insurance Code is amended to read:

134. "Director" means the Director of the Department of Human Resources Development.

SEC. 4. The heading of Article 1 (commencing with Section 301) of Chapter 2 of Part 1 of Division 1 of the Unemployment Insurance Code is amended to read:

Article 1. Department of Human Resources
Development

SEC. 5. Section 401 of the Unemployment Insurance Code is amended to read:

401. There is in the Department of Human Resources Development the California Unemployment Insurance Appeals Board, consisting of five members appointed by the Governor, subject to the approval of the Senate. Two of the members of the appeals board shall be attorneys at law admitted to practice in the State of California. The other three members need not be attorneys. Each member of the board shall devote his full time to the performance of his duties. The chairman and each member of the board shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor. The chairman shall designate a member of the appeals board to act as chairman in his absence.

SEC. 6. Section 605.5 of the Unemployment Insurance Code is amended to read:

605.5. (a) "Employment" includes all services performed by blind individuals and otherwise handicapped individuals, who do not hold civil service or permanent tenure positions, in connection with their employment by the State of California for work in the California Industries for the Blind.

(b) For the purposes of this division, the Department of Rehabilitation shall be considered the employer of persons performing the services described in subdivision (a) of this section.

(c) The employer and worker contributions, penalties and interest required of the state for services performed under this section shall be paid from the California Industries for the Blind Manufacturing Fund. The State Controller shall determine quarterly the amount of employer and withheld worker contributions, penalties and interest required and shall issue a warrant for such amount which shall be transmitted to the Director of the Department of Human Resources Development by the Department of Rehabilitation pursuant to this division.

(d) The director may require from the State Controller and the Department of Rehabilitation such employment, financial, statistical or other information and reports as may be deemed

necessary by the director to carry out his duties under this section. Such information and reports shall be filed with the director at the time and in the manner prescribed by the director.

(e) The director may tabulate and publish information obtained pursuant to this section in statistical form and may divulge the name of the state agency.

(f) The State Controller and the Department of Rehabilitation shall keep such work records as may be prescribed by the director for the proper administration of this section.

(g) Except as inconsistent with the provisions of this section, the provisions of this division and authorized regulations shall apply.

SEC. 7. Section 1087 of the Unemployment Insurance Code is amended to read:

1087. Any officer or employee of the Sales and Use Tax Division of the Board of Equalization who is authorized to accept an application for a seller's permit under Section 6066 of the Revenue and Taxation Code or authorized to register a retailer under Section 6226 of the Revenue and Taxation Code is a duly authorized agent of the Department of Human Resources Development for purposes of accepting registration of employers as required in this part. Any officer or employee of the Board of Equalization who is authorized to accept an application for a license to operate commercial motor vehicles under Section 9701 of the Revenue and Taxation Code or authorized to issue a license under Section 9703 of the Revenue and Taxation Code is a duly authorized agent of the Department of Human Resources Development for purposes of accepting registration of employers as required in this part.

The department shall reimburse the Board of Equalization for any additional costs incurred by reason of services by any of its officers or employees to the department pursuant to this section.

SEC. 8. Section 1269 of the Unemployment Insurance Code is amended to read:

1269. A determination of potential eligibility for benefits under this article shall be issued to an unemployed individual if the director finds that:

(a) Reasonable employment opportunities for which the unemployed individual is fitted by training and experience do not exist or have substantially diminished in the labor market area in this state in which he is claiming benefits.

(b) The retraining course of instruction relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in any labor market area in this state in which the individual intends to seek work.

(c) The retraining course of instruction is one prescribed by the director.

(d) The individual has the required qualifications and aptitudes to complete the course successfully.

SEC. 9. Section 1535 of the Unemployment Insurance Code is amended to read:

1535. During such time as the Federal Social Security Act and Federal Unemployment Tax Act are amended so as to remove the requirement that all money withdrawn from the Unemployment Fund be used solely in the payment of unemployment compensation, exclusive of expenses of administration, and for refunds of sums erroneously paid into such fund and refunds paid in accordance with the provisions of Section 3305(b) of the Federal Unemployment Tax Act, then notwithstanding any other provisions of this division to the contrary there is hereby continuously appropriated out of the Unemployment Fund for the purpose of administering this division, including salaries and other expenses of the department and the acquisition of necessary real property, all amounts collected under Section 993.

SEC. 10. Section 1536 of the Unemployment Insurance Code is amended to read:

1536. Any amounts determined by the director or his authorized representatives to be payable to employing units as refunds of contributions erroneously paid which are unclaimed at the end of three years from such determination shall be included in the revenue to the Unemployment Fund or in the case of interest or penalties, to the Contingent Fund. The employing unit or person entitled to such payment shall not thereafter maintain any claim, action or proceeding with respect to such amounts.

SEC. 11. Section 1537 of the Unemployment Insurance Code is amended to read:

1537. Whenever any warrant drawn on an account in the Unemployment Fund or on the Unemployment Administration Fund or the Contingent Fund by the State Controller or the director remains unclaimed after three years the amount thereof shall revert to the account and the fund from which the amount was payable.

SEC. 12. Section 1585 of the Unemployment Insurance Code is amended to read:

1585. The Department of Human Resources Development Contingent Fund is continued in existence as a special fund in the State Treasury. There shall be deposited in or transferred to this fund:

(a) All interest on contributions collected under this division.

(b) All penalties collected under this division, except as provided in Sections 1958 and 3654.1.

(c) Rental payments or proceeds attributable to property derived from amounts expended from this fund.

(d) Interest on amounts expended from this fund.

SEC. 13. Section 1586 of the Unemployment Insurance Code is amended to read:

1586. All amounts in the Contingent Fund are hereby continuously appropriated without regard to fiscal years for re-

fund of amounts collected after January 29, 1945, and erroneously deposited therein, for interest payable under this division on refunds and judgments and for the administration of the department.

SEC. 14. Section 1587 of the Unemployment Insurance Code is amended to read:

1587. No expenditure for administration shall be made from the Contingent Fund except under an authorization made by the Director of Finance in the manner prescribed in Section 11006 of the Government Code. No such authorization shall be made as a substitution for a grant of federal funds, or for any portion thereof, which in the absence of the authorization would be available to the department.

SEC. 15. Section 1601 of the Unemployment Insurance Code is amended to read:

1601. When money other than Disability Fund money is used in the purchase of property and in the construction of buildings, and appurtenant facilities, or in the purchase of property, or in the construction of buildings, and appurtenant facilities, for the use of the department, or for the use of the department and other state agencies, the director may do any and all things necessary to protect the property including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the director under this section shall be subject to the approval of the Department of General Services.

SEC. 16. Section 2071 of the Unemployment Insurance Code is amended to read:

2071. As used in this chapter:

(a) "Employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

(b) "Employer" does not include any employer with less than six persons in his employ. It does include any employer with six or more employees. It also includes the State of California and any political subdivision thereof.

(c) "Employment agency" includes any person undertaking to procure employees or opportunities to work.

(d) "Labor organization" includes any organization which is constituted for the purpose, in whole or in part, of collective bargaining or in dealing with employers concerning grievances, terms or conditions of employment or of other mutual aid or protection in connection with employees.

(e) "Person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers.

SEC. 17. Section 3125 of the Unemployment Insurance Code is amended to read:

3125. The director may from time to time, with approval of the Department of Finance, invest the money in the Disability Fund for the construction and equipment of a building or buildings and appurtenant facilities for the use of the

department as a central office in Sacramento. He may also invest such funds for the acquisition of real property, pursuant to the Property Acquisition Law, to be used as a parking area for the central office and for the development and construction of the parking area, together with appurtenant facilities and equipment not to exceed six hundred thousand dollars (\$600,000). Such parking area shall be amortized through rental payments as fixed by the Department of General Services. Such rental payments before and after amortization shall approximate prevailing rates for parking in the immediate area. Costs and expenses necessarily incurred in connection with such investments, including but not limited to the costs of preliminary plans, services, and negotiations, shall be a proper charge against that portion of the Disability Fund available by law for the payment of benefits and shall constitute a part of the investment. The aggregate amount which may be invested under this section shall not exceed nine million five hundred thousand dollars (\$9,500,000) except that when necessary because of increased building costs the aggregate amount may be increased with approval of the director and the State Public Works Board by an additional amount not to exceed nine hundred fifty thousand dollars (\$950,000).

Of the amount herein authorized to be invested, upon request of the director, there shall be transferred by the Controller five hundred thousand dollars (\$500,000) to the Department of Human Resources Development Contingent Fund in repayment of the amount authorized to be expended from that fund for preliminary plans and specifications under Chapter 34 of the Statutes of 1950 (Third Extraordinary Session).

SEC. 18. Section 3125.5 of the Unemployment Insurance Code is amended to read:

3125.5. The Department of Finance may from time to time, with the approval of the director, invest money in the Disability Fund for the acquisition of real property, pursuant to the Property Acquisition Law, and the construction and equipment of a building or buildings and appurtenant facilities thereon after approval of preliminary plans under the procedure provided by Section 16 of the Budget Act of 1954, for the use of the department as a branch office in Los Angeles. The aggregate amount which may be invested under this section shall not exceed two million seven hundred fifty thousand dollars (\$2,750,000).

SEC. 19. Section 3126 of the Unemployment Insurance Code is amended to read:

3126. Any buildings or facilities acquired pursuant to this article shall be primarily for the occupancy of the department and, until such time as the investment is repaid, shall be subject to the administration and supervision of the department in accordance with rules and regulations which shall be established by the department with the approval of the Department of General Services. Such regulations shall be comparable to

those for the administration and supervision of other state-owned buildings.

SEC. 20. Section 3127 of the Unemployment Insurance Code is amended to read:

3127. The director shall allocate space to the agencies and services comprising the department. Any buildings or facilities acquired pursuant to this article may contain space in excess of the requirements of the department and, until needed, may be leased or let by the director at such rental and upon such terms and conditions as may be approved by the Department of General Services.

SEC. 21. Section 3128 of the Unemployment Insurance Code is amended to read:

3128. For all space allocated by the director to the agencies and services comprising the department, or otherwise leased or let by the director pursuant to this article, the director shall charge a rental, to be approved by the Department of General Services. All such rentals shall be deposited in the Unemployment Administration Fund. The portion of the rental which pertains to the amortization of the investment, as determined by the department, shall be transferred to the Disability Fund as repayment of any money invested under the provisions of this article, together with interest to be compounded annually at the close of business on December 31st of each year at a reasonable rate to be determined by the director with the approval of the Department of General Services. The remainder of the rental shall be left in the Unemployment Administration Fund to be used for building maintenance, repairs and alterations, utilities, and other necessary operating expenses.

SEC. 22. Section 3129 of the Unemployment Insurance Code is amended to read:

3129. When the money invested under the provisions of this article for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof, shall vest in the Department of General Services, but the department shall have priority to occupy any space within such buildings or facilities at rental rates not exceeding the cost of providing maintenance and other services.

SEC. 23. Section 3132 of the Unemployment Insurance Code is amended to read:

3132. When money from the Disability Fund is used for investment purposes in the purchase of property and in the construction of buildings and appurtenant facilities, or in the purchase of property, or in the construction of buildings and appurtenant facilities for the use of the department, or for the use of the department and other state agencies, the director may do any and all things necessary to protect the investment including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy

of the property. Any transaction entered into by the director under this section shall be subject to the approval of the Department of General Services.

SEC. 24. Section 5001 of the Unemployment Insurance Code is amended to read:

5001. It is the intent of the Legislature to concentrate maximum state efforts on providing increased employment opportunities and upgrading of employment skills in order to open the way to permanent self-support for persons who have been or otherwise might become dependent on public aid. To this end the Legislature intends that persons affected by this chapter shall be assigned to the primary jurisdiction of the Department of Human Resources Development, which shall be responsible for implementing and executing the provisions of this chapter.

Consistent with the intent of the Legislature to promote and achieve permanent employment of persons qualifying for work incentive programs under this division, it shall be the responsibility of each state agency and the political subdivisions of this state to cooperate by providing as many opportunities as possible for the permanent employment of such persons.

SEC. 25. Section 5002 of the Unemployment Insurance Code is amended to read:

5002. The provisions of this division shall be administered by the Department of Human Resources Development.

SEC. 26. Section 5003 of the Unemployment Insurance Code is amended to read:

5003. As used in this division, "department" shall mean the Department of Human Resources Development.

SEC. 27. Section 5012 of the Unemployment Insurance Code is amended to read:

5012. Notwithstanding any other provision of state law, the Department of Human Resources Development in cooperation with the Department of Social Welfare shall, to the extent practicable and permitted by federal law, develop methods and procedures which shall provide for payment of all moneys due a participant in the form of a single payment by the Department of Human Resources Development for each pay period.

SEC. 28. Section 5200 of the Unemployment Insurance Code is amended to read:

5200. The department, in cooperation with the Secretary of Labor, shall establish work incentive programs as designated in Part C (commencing with Section 430) of Title 4 of the Social Security Act, as amended by Public Law 90-248, for persons as described in Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code and such other persons as may be permitted under subdivision (19) of Section 402(a) of the Social Security Act as amended by Public Law 90-248.

SEC. 29. Section 5400 of the Unemployment Insurance Code is amended to read:

5400. The Manpower Development Fund is hereby created for payments to persons in work incentive programs and for the costs of administration thereof. All moneys received by the department from the federal government available for work incentive programs, and any other moneys received by the department for such purposes, shall be deposited in the Manpower Development Fund.

The following sums are hereby appropriated to the department for the purposes of this division:

(a) Without regard to fiscal years all moneys deposited in the Manpower Development Fund.

(b) From the General Fund in the State Treasury the sum of three million three hundred thousand dollars (\$3,300,000) for the 1968-69 fiscal year, less the amounts in cash or in kind available from other sources, for the state's share of cost of training, supervision, materials, and administration of, and for the state's share of incentive payments and training stipends to persons participating in work incentive programs under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code, subject to the following conditions:

(1) In no event shall the expenditure of funds appropriated under this subdivision exceed 20 percent of the total Work Incentive Program cost as prescribed by the Secretary of Labor less the amounts in cash or kind available from other sources;

(2) None of the moneys appropriated under this subdivision shall be available until federal funds become available to the state for the Work Incentive Program or it is determined by the Director of Finance that it is in the best interest of the state to allocate these funds to implement the program; and

(3) No moneys appropriated under this subdivision shall be available until they are allocated by the Director of Finance.

SEC. 30. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 351

An act to amend Sections 38004 and 38105 of the Health and Safety Code, to add Section 6500.1 to the Welfare and Institutions Code and to repeal Section 15 of Chapter 1594 of the Statutes of 1969, relating to mentally retarded persons.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 38004 of the Health and Safety Code is amended to read:

38004. Notwithstanding any other provision of law, mentally retarded persons shall not be released from state hospitals on leaves of absence after July 1, 1971, except for short home visits not to exceed 60 days, but shall be referred to a regional center for services pursuant to this division.

SEC. 2. Section 38105 of the Health and Safety Code is amended to read:

38105. A regional center may purchase required out-of-home prehospital and posthospital care for mentally retarded persons. In locating appropriate placement alternatives for mentally retarded children, regional centers shall encourage maximum participation by parents in the decisionmaking process. Approval by parent or guardian shall be obtained before placement is made.

Regional centers may contract or enter into agreements with appropriate agencies for the provision of out-of-home placement services and case management.

SEC. 3. Section 6500.1 is added to the Welfare and Institutions Code, to read:

6500.1. On and after July 1, 1971, no mentally retarded person may be committed to the Department of Mental Hygiene pursuant to this article, unless he is a danger to himself or others.

SEC. 4. Section 15 of Chapter 1594 of the Statutes of 1969 is repealed.

CHAPTER 352

An act to amend Section 71140.3 of, and to repeal Section 71140.4 of, the Government Code, relating to judges.

[Approved by Governor July 9, 1970 Filed with
Secretary of State July 9, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Santa Clara, San Diego, Los Angeles, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

SEC. 2. Section 71140.4 of the Government Code is repealed.

SEC. 3. Section 71140.3 of the Government Code is amended to read:

71140.3. Notwithstanding any provisions of Section 71140 to the contrary, in the Counties of Humboldt, Santa Clara, San Diego, Los Angeles, and Orange a person is eligible to be elected or appointed to the office of judge of a municipal court

of a judicial district if he is a resident eligible to vote in the county in which the judicial district is situated for a period of at least 54 days prior to the date of his election or appointment.

SEC. 4. It is the intent of the Legislature, if amendments to Section 71140.3 of the Government Code proposed by both this bill and Senate Bill No. 404 are enacted, that both amendments be given effect and incorporated in Section 71140.3 in the form set forth in Section 3 of this act. Therefore, in the event Senate Bill No. 404 is enacted and amends Section 71140.3, Section 3 of this act shall become operative at the same time that Section 71140.3 as amended by Senate Bill No. 404 becomes operative, and at that time, Section 71140.3 of the Government Code as amended by Section 1 of this act is repealed.

CHAPTER 353

An act to amend Section 137 of the Penal Code, relating to witnesses.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 137 of the Penal Code is amended to read:

137. Every person who gives or offers, or promises to give, to any witness, or person about to be called as a witness, any bribe, upon any understanding or agreement that the testimony of such witness shall be thereby influenced, or who attempts by force or threat of force or by any other means fraudulently to induce any person to give false or withhold true testimony, is guilty of a felony.

As used in this section, "threat of force" means a credible threat of unlawful injury to any person or property which is communicated to a person for the purpose of inducing him to give false or withhold true testimony.

CHAPTER 354

An act to amend Section 254 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 254 of the Revenue and Taxation Code is amended to read:

254. Any person claiming the church, cemetery, orphanage, college, exhibition, welfare or homeowner's property tax exemption shall make a return of the property to the assessor annually, the same as property is listed for taxation, and shall accompany it by an affidavit, giving any information required by the board.

Any person claiming the immature forest trees exemption shall meet the requirements mentioned above except that a filing once made shall continue in effect until such time as there is a change in the exterior boundary of the property originally claimed as exempt.

Any person claiming the homeowner's property tax exemption shall meet the requirements of the first paragraph of this section and shall state his name, the address of the property, that the property was owned by him and was occupied as his principal place of residence on the lien date, and such other information as the board may prescribe.

Any person claiming the classification of a vessel as a documented vessel eligible for assessment under Section 227 shall meet the requirements of the first paragraph of this section.

CHAPTER 355

An act to add Section 23661.7 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23661.7 is added to the Business and Professions Code, to read:

23661.7. A person who has purchased wine from a licensed winegrower, has taken delivery of such wine within this state for delivery or use without the state, and has removed such wine from the state, may return all or any portion of such wine to the licensed premises of the winegrower in this state from whom the wine was purchased. To make such return the purchaser need not obtain any license in this state, and may return the wine in a vehicle owned or controlled by such purchaser.

The provisions of Section 32175 of the Revenue and Taxation Code shall apply to any wine so returned.

CHAPTER 356

An act to amend Sections 22754, 22774, 22790 and 22853 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[Approved by Governor July 9, 1970. Filed with Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22754 of the Government Code is amended to read:

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the Public Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or instrumentality of the state including the University of California, or any officer or employee who is a member of the Public Employees' Retirement System pursuant to a contract, of a contracting agency subject to this part, except persons employed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the state for any type of plan or program offering prepaid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans.

(e) "Annuitant" means:

(1) Any person who has retired while an employee and who receives any retirement allowance under any state or Univer-

sity of California retirement system to which the state was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee under Sections 21364, 21365.5 or 21382 of this code or similar provisions of any other state retirement system.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship). The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other organization of employees in which membership is open to employees or annuitants of the state, and which is not organized solely or principally for the purpose of obtaining prepaid hospital and medical care.

(h) "Contracting agency" means any contracting agency as defined in Section 20010, other than a school district or a county superintendent of schools.

(i) "Employer" means the state and any contracting agency employing an employee.

SEC. 2. Section 22774 of the Government Code is amended to read:

22774. The board shall, in accordance with this part, approve health benefits plans and may contract with carriers offering health benefits plans.

Irrespective of the provisions of Sections 1090 and 1091 of this code, the board member who is an officer of a life insurer may participate in all board activities in administering the provisions of this part, except that he shall not vote on the question of whether a contract should be entered into or approval should be given concerning any plan.

SEC. 3. Section 22790 of the Government Code is amended to read:

22790. The board may contract with carriers for basic health benefit plans, comprehensive benefit plans, and, for employees and annuitants who are also covered under basic plans, major medical plans or approve basic health benefit plans offered by employee organizations, provided that the carriers have operated successfully in the prepaid hospital and medical care field prior to the contracting for or approval thereof. Such plans shall include hospital benefits, surgical benefits, in-hospital medical benefits, outpatient benefits, obstetrical benefits, and may include other benefits including, but not limited to, benefits offered by a bona fide church, sect, denomination or organization whose principles include healing entirely by prayer or spiritual means. The board shall approve any basic health benefit plan in existence on January 1, 1962, which meets the requirements of this part and the minimum

standards and other rules and requirements prescribed by the board, and for which payroll deductions were authorized under Section 1156 of this code.

SEC. 4. Section 22853 of the Government Code is amended to read:

22853. A contracting agency which has elected to be subject to this part may elect to cease to be so subject by resolution adopted by a majority vote of its governing body and filed with the board on or before such date as is provided in board regulations, to be effective at the end of the current contract term. Coverage of its employees and annuitants shall terminate on that date.

CHAPTER 357

An act to amend Section 33138 of the Streets and Highways Code, relating to the Parking Law of 1949, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 33138 of the Streets and Highways Code is amended to read:

33138. The authority may sell bonds at a price below the par or face value, provided that the discount on any bonds so sold shall not exceed 6 percent of the par value thereof.

The interest rate on the bonds shall not exceed 7 percent, payable semiannually.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent increases in the prime interest rate have hindered the sale of bonds necessary to finance the construction of urgently needed parking facilities in the urban areas. In order that such bonds may be sold at competitive prices in the present tight money market so that such construction can commence at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 358

An act to amend Section 53638 of the Government Code, relating to deposits of public moneys.

[Approved by Governor July 9, 1970. Filed with
Secretary of State July 9, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 53638 of the Government Code is amended to read:

53638. The deposit shall not exceed the total of the paid-up capital and surplus, of any depository. For the purposes of this section, paid-up capital shall be deemed to include capital notes and debentures.

CHAPTER 359

An act to amend Section 34500 of the Vehicle Code, relating to combination of vehicles.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 34500 of the Vehicle Code is amended to read:

34500. The Department of the California Highway Patrol shall regulate the safe operation of the following vehicles:

- (a) Motortrucks of three or more axles.
 - (b) Truck tractors.
 - (c) Buses.
 - (d) Trailers, semitrailers, pole or pipe dollies, auxiliary dollies and logging dollies used in combination with (a), (b), or (c) above.
 - (e) Any combination of a two-axle truck and any vehicle or vehicles set forth in (d), above, exceeding 40 feet in length when coupled together.
 - (f) Any truck, or any combination of truck and any other vehicle, transporting materials defined and classified as hazardous by the United States Department of Transportation (49CFR, Parts 172 and 173), except vehicles subject to Division 14 (commencing with Section 31600) or Division 14.7 (commencing with Section 34001) of this code, shall be subject to those regulations relating to such materials which are adopted by the department in accordance with Section 34501 of this division.
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CHAPTER 360

An act to add Section 340.5 to the Code of Civil Procedure, relating to limitation of actions.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 340.5 is added to the Code of Civil Procedure, to read:

340.5. In an action for injury or death against a physician or surgeon, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, veterinarian, or a licensed hospital as the employer of any such person, based upon such person's alleged professional negligence, or for rendering professional services without consent, or for error or omission in such person's practice, four years after the date of injury or one year after the plaintiff discovers, or through the use of reasonable diligence should have discovered, the injury, whichever first occurs. This time limitation shall be tolled for any period during which such person has failed to disclose any act, error, or omission upon which such action is based and which is known or through the use of reasonable diligence should have been known to him

CHAPTER 361

An act to amend Sections 25001, 25001.1, 25001.2, 25001.3, and 25001.4 of, to add Section 25001.5 to, and to repeal Section 25009 of, the Government Code, relating to county supervisorial districts.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25001 of the Government Code is amended to read:

25001. Following each decennial federal census, and using the census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

SEC. 2. Section 25001.1 of the Government Code is amended to read:

25001.1. The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. The adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting

commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

SEC. 3. Section 25001.2 of the Government Code is amended to read:

25001.2. The supervisorial redistricting commission shall be composed of the district attorney, who shall be chairman, the county assessor, and the county clerk if he is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he is elected by the qualified electors of the county, or, if not, the sheriff.

SEC. 4. Section 25001.3 of the Government Code is amended to read:

25001.3. At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 25001.

SEC. 5. Section 25001.4 of the Government Code is amended to read:

25001.4. Any person claiming that the estimates of population used in the redistricting pursuant to Section 25001.3 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. Such an action shall be brought within 30 days after the adoption of the redistricting ordinance.

SEC. 6. Section 25001.5 is added to the Government Code, to read:

25001.5. The board may appoint a committee composed of residents of the county to study the matter of changing the boundaries of the supervisorial districts. The committee shall make its report to the board of its findings on the need for change of boundaries, and the recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1st of the year following the year in which the census is taken. Recommendations of the committee are advisory only.

SEC. 7. Section 25009 of the Government Code is repealed.

CHAPTER 362

An act to amend Sections 18882.5 and 26161.5 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18882.5 of the Revenue and Taxation Code is amended to read:

18882.5. The Franchise Tax Board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien.

SEC. 2. Section 26161.5 of the Revenue and Taxation Code is amended to read:

26161.5. Within the time allowed in Section 26161, the Franchise Tax Board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien.

CHAPTER 363

An act to amend Sections 95458, 95492, and 95535 of, and to repeal Section 95532 of, the Public Utilities Code, relating to transportation.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 95458 of the Public Utilities Code is amended to read:

95458. The board shall have an annual audit made of all books and accounts of the district by a certified public accountant or public accountant. The general manager shall cause copies of such audit to be made available to the public at the cost of printing only.

SEC. 2. Section 95492 of the Public Utilities Code is amended to read:

95492. The board shall establish rules for its proceedings and may provide by ordinance or resolution that each member shall receive for each attendance at the meetings of the board the sum of thirty dollars (\$30) but not to exceed ninety dollars (\$90) in any calendar month and shall be allowed such

necessary traveling and personal expenses incurred in the performance of his duties as authorized by the board.

SEC. 3. Section 95532 of the Public Utilities Code is repealed.

SEC. 4. Section 95535 of the Public Utilities Code is amended to read:

95535. The general manager shall provide for the custody of the funds of the district and the keeping of accounts of all receipts and disbursements. Payments shall be made only upon warrants duly and regularly signed by the chairman or vice chairman of the board, or other person authorized by the board so to do, and by the general manager, treasurer, or secretary.

CHAPTER 364

An act to amend Section 1002 of the Fish and Game Code, relating to scientific collecting permits.

[Approved by Governor July 13, 1970 Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1002 of the Fish and Game Code is amended to read:

1002. The department may issue permits, subject to such restrictions and regulations as the commission deems desirable, to take or possess, in any part of the state, for scientific, educational or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia or any other form of plant or animal life.

The fee for such permits is five dollars (\$5) per year, except that a permit without fee may be issued: (a) authorizing only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific or educational institutions; (b) to students regularly enrolled in commercial fishing classes in a school operating under the jurisdiction of the State Board of Education or in such classes in a community college and to faculty members of such schools or a community college when conducting regularly enrolled classes in commercial fishing. Any permit issued under this subdivision shall apply only when such students are under the direct supervision of the instructor approved by the school or community college to teach such class. All fish taken shall be taken in accordance with state law except that the provisions of Sections 7850 and 7880 to 7890, inclusive, shall not apply to persons or equipment operating under the provisions of this subdivision. All fish taken under authority of a permit issued under this subdivision may be sold only to a person licensed pursuant to Section 8040 or donated to a charitable institution. All funds received from the sale of such fish must be used solely for the support of the commercial fishing classes.

A special student permit may be issued pursuant to this section, on the payment of an annual fee of one dollar (\$1), to any student in a school of collegiate level who is required by an instructor in wildlife research in such school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.

The license year for permits issued pursuant to this section is the calendar year or any part thereof. It is not necessary for the possessor of such a permit to have a sport fishing or hunting license to pursue the scientific collecting of any fish, aquatic animal or plant, bird, or mammal in this state.

Nothing in this section authorizes any act which violates Section 597 of the Penal Code.

Such a permit does not authorize the taking of fish or mammals from the ocean waters of this state which are within the boundaries of any city if the city has filed with the department an objection to such taking.

CHAPTER 365

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. The following terms shall have the following meanings herein:

(a) The term "public body" means counties, cities and counties, cities, and the following districts, authorities, agencies, boards, commissions and other entities:

Agencies, boards, commissions or entities constituted or provided for under or pursuant to Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code.

Air pollution control districts.

Airport districts.

Assessment districts.

Bridge and highway districts.

California water district improvement districts.

California water districts.

Cemetery districts.

Citrus pest control districts.

City general improvement district improvement districts.

City general improvement districts.

City maintenance districts.
Community service districts.
Conservancy districts.
County boards of education.
County drainage districts.
County fire protection districts.
County maintenance districts.
County power pumping districts.
County sanitation districts.
County service area improvement areas.
County service areas.
County sewerage and water districts.
County water agencies.
County water authorities.
County water district improvement districts.
County water districts.
County waterworks districts.
Department of Water Resources and other agencies acting
under and pursuant to Part 3 (commencing with Section
11100), Division 6 of the Water Code.
Drainage districts.
Fire protection districts.
Flood control and water conservation districts.
Flood control districts.
Garbage and refuse disposal districts.
Garbage disposal districts.
Harbor districts.
Harbor improvement districts.
Highway districts.
Highway interchange districts.
Highway lighting districts.
Horticultural protection districts.
Horticultural development districts
Housing authorities
Irrigation district distribution districts.
Irrigation district improvement districts.
Irrigation districts.
Joint harbor improvement districts.
Joint highway districts.
Joint municipal sewage disposal districts.
Junior college districts.
Levee districts.
Library districts.
Local health districts.
Local hospital districts.
Metropolitan water districts.
Mosquito abatement districts.
Municipal improvement district improvement districts.
Municipal improvement districts.
Municipal improvement assessment districts.
Municipal port districts.
Municipal sewer districts.

Municipal utility districts.
Municipal water district improvement districts.
Municipal water districts of any kind.
Parking authorities.
Parking districts.
Park, recreation and parkway districts.
Permanent road divisions.
Pest abatement districts.
Port districts.
Protection districts.
Public cemetery districts.
Public utility district improvement districts.
Public utility districts.
Rapid transit authorities.
Rapid transit districts.
Reclamation districts.
Recreational harbor districts.
Recreation and park districts.
Recreation, park and parkway districts.
Redevelopment agencies.
Regional park districts.
Regional planning districts.
Resort improvement districts.
River port districts.
Road districts.
Sanitary districts.
Sanitary districts annexed areas.
School districts of any kind or class.
Separation of grade districts.
Sewer maintenance districts.
Soil conservation districts.
Special transit service districts.
Storm water districts.
Transit districts.
Underground utility districts.
Unified air pollution control districts.
Unified port districts.
Urban renewal agencies.
Vehicle parking districts.
Veterans' memorial districts.
Water agencies.
Water authorities.
Water conservation districts.
Water districts.
Water replenishment districts.
Water storage district improvement districts.
Water storage districts.
Weed abatement districts.
Zones of flood control districts.
Zones of flood control and water conservation districts.
Zones of county water agencies.
Zones of county water authorities.

The term "public body" and the plural thereof, as used in this act, shall include only those entities which are specifically enumerated in this section.

(b) The term "bonds" means all instruments evidencing an indebtedness of a public body incurred or to be incurred for any public purpose, and all instruments evidencing the borrowing of money in anticipation of taxes, revenues or other income of such body, and all instruments payable from revenues or special funds of such public bodies, and all instruments funding or refunding any thereof or any indebtedness.

SEC. 2. All public bodies heretofore organized or existing under, or under color of, any law are hereby declared to have been legally organized and to be legally functioning as such public body. Every such public body shall have all the rights, powers, and privileges, and be subject to all the duties and obligations of such a public body regularly formed pursuant to law.

SEC. 3. The boundaries of every public body as heretofore established, defined, or recorded, or as heretofore actually shown on maps or plats used by the assessor, are hereby confirmed, validated, and declared legally established.

SEC. 4. All acts and proceedings heretofore taken by any public body or bodies under any law, or under color of any law, for the annexation or inclusion of territory into any such public body or for the annexation of any such public body to any other such public body or for the withdrawal or exclusion of territory from any such public body or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the annexation or inclusion or of the withdrawal or exclusion of such territory or the consolidation, merger or dissolution of such public bodies.

SEC. 5. All acts and proceedings heretofore taken by or on behalf of any public body under any law, or under color of any law, for the authorization, issuance, sale, or exchange of bonds of any such public body for any public purpose are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of such public body and of any person, public officer, board or agency heretofore done or taken upon the question of the authorization, issuance, sale, or exchange of such bonds.

All bonds of any public body heretofore issued shall be, in the form and manner in which issued and delivered, the legal, valid and binding obligations of the public body. All bonds of any public body heretofore awarded and sold to a purchaser and hereafter issued and delivered in accordance with the contract of sale and other proceedings for the award and sale shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore

authorized to be issued by ordinance, resolution, order or other action adopted or taken by or on behalf of the public body and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. All bonds of any public body heretofore authorized to be issued at an election and hereafter issued and delivered in accordance with such authorization shall be the legal, valid and binding obligations of the public body. Whenever an election has heretofore been called for the purpose of submitting to the voters of any public body the question of issuing bonds for any public purpose, such bonds, if hereafter authorized by the required vote and in accordance with the proceedings heretofore taken, and issued and delivered in accordance with such authorization, shall be the legal, valid and binding obligations of the public body.

SEC. 6. (a) The foregoing provisions of this act shall operate to supply such legislative authorization as may be necessary to validate any such acts and proceedings heretofore taken which the Legislature could have supplied or provided for in the law under which such acts or proceedings were taken.

(b) The foregoing provisions of this act shall be limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) The foregoing provisions of this act shall not operate to confirm, validate, or legalize any act, proceeding, or other matter the legality of which is being contested or inquired into in any legal proceeding now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation, merger or dissolution of any public bodies, or for the authorization, issuance, sale or exchange of bonds thereof upon any ground involving an alleged defect or illegality not effectively validated by the prior provisions of this act and not otherwise barred by any statute of limitations or by laches must be commenced within six months of the effective date of this act; otherwise each and all of said matters shall be held to be valid and in every respect legal and incontestable. This section shall not extend the period in which any action may be brought beyond the period in which it

would be barred by any presently existing valid statute of limitations.

SEC. 8. Nothing contained in this act shall be construed to render the creation of any city or district, or any change in the boundaries of any city or district, effective for purposes of assessment or taxation unless the statement, together with the map or plat, required to be filed under Sections 54900 to 54904, inclusive, of the Government Code, is filed within the time and substantially in the manner required by said sections.

SEC. 9. As used in this act, the word "now" means the date this act takes effect; the word "heretofore" means any time prior to such effective date; and the word "hereafter" means any time subsequent to such effective date.

SEC. 10. This act may be cited as the Second Validating Act of 1970.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The peace, health and safety of the citizens of the state require the orderly and unhampered functioning of public bodies and such functioning depends upon the validity of the organization, boundaries, and governing officers or boards of public bodies, and upon the validity of acts, proceedings, and bonds of public bodies, and it is therefore imperative and essential that such matters be validated so that during the period before this act would otherwise become effective:

(1) Citizens of the state can be afforded the protection of the police, fire, safety, sanitary, and other regulations and protections provided by public bodies;

(2) Public works and construction by public bodies can be commenced and continued without delay or restriction, to provide sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health and safety, and immediately needed to provide for an increased population;

(3) Public bodies can issue and sell bonds heretofore authorized for the purpose of providing sewers, waterworks, schools, storm drains, flood control works, sanitary facilities, electric and other utility works, firehouses and facilities, police stations and facilities, streets, hospitals, and other works, structures, improvements, and facilities required for the public peace, health, and safety and immediately needed to provide for an increased population, which cannot now be sold because of defects in the organization or boundaries of some public body or in the authorization of such bonds, which defects will be cured by this act.

CHAPTER 366

An act to amend Sections 630 and 631 of the Public Resources Code, relating to the State Board of Forestry.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 630 of the Public Resources Code is amended to read:

630. There is in the department a State Board of Forestry consisting of eight members appointed by the Governor, subject to confirmation by the Senate.

SEC. 2. Section 631 of the Public Resources Code is amended to read:

631. Two members of the board shall be appointed from the general public. In addition, each of the following fields shall be represented by a member appointed to the board, who shall be a person of practical knowledge and experience in the field he is to represent:

- (1) The pine producing industry.
- (2) The redwood producing industry.
- (3) Forest land ownership.
- (4) The range livestock industry.
- (5) Agriculture.
- (6) The beneficial use of water.

CHAPTER 367

An act to amend Sections 13200, 13200.1 and 13200.5 of the Education Code, and Sections 2 and 3 of Chapter 1424 of the Statutes of 1968, relating to teaching credentials, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13200 of the Education Code is amended to read:

13200. Notwithstanding the provisions of Section 13187 to the contrary, the State Board of Education shall issue a probationary credential, limited to a two-year period, to any person who has been graduated with a baccalaureate degree from an institution approved by the board and who has received a composite score at or above the 50th percentile on an examination or examinations approved by the State Board of Education. The examination selected by the board shall, in the board's judgment, adequately assess the verbal and quan-

titative aptitude and the candidate's command of the humanities, natural sciences, and social sciences.

In implementing this section, the board shall consider the importance of selecting an examination or examinations, which are nationally administered on a regular basis.

Any person applying for a credential under the provisions of this section shall submit to the board: (1) a testament of acceptable moral character and physical health signed by a tenured faculty member and the president of the college from which he graduated; (2) a formal offer of employment from a school district; and (3) evidence of successful passage of the approved examination required by this section.

SEC. 2. Section 13200.1 of the Education Code is amended to read:

13200.1. The State Board of Education shall issue not more than 200 such credentials, and may consult with and receive the recommendations of the University of California and the California State Colleges in the selection of persons to whom credentials may be issued pursuant to this section. Specific preference shall be given to persons who may be expected to pursue public education as an uninterrupted career.

SEC. 3. Section 13200.5 of the Education Code is amended to read:

13200.5. The school district employing a holder of a probationary credential may require either or both of the following:

(a) A demonstrated subject matter expertise as shown by the successful completion of an examination approved by the State Board of Education;

(b) Practice teaching, for reasonable remuneration, in the summer school of a district during a summer preceding his employment.

SEC. 4. Section 2 of Chapter 1424 of the Statutes of 1968 is amended to read:

Sec. 2. The Department of Education shall submit to the Legislature on or before the fifth legislative day of the 1972 Regular Session, a comprehensive report on all phases of the experimental credential program provided by this act, and shall include recommendations concerning the feasibility of such program.

SEC. 5. Section 3 of Chapter 1424 of the Statutes of 1968 is amended to read:

Sec. 3. Section 1 of this act shall remain in effect until the 61st day after final adjournment of the 1972 Regular Session of the Legislature and shall have no force or effect after that date.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act may be in effect early enough to enable teaching credentials to be issued for the start of the 1970-1971 school year, it is essential that this act go into immediate effect.

CHAPTER 368

An act to add Section 7393.4 to the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7393.4 is added to the Business and Professions Code, to read:

7393.4. Notwithstanding the provisions of subdivision (b) of Section 7393, any person who otherwise meets the requirements prescribed by Section 7393 may instruct students in a school of cosmetology if he has had the equivalent of the teacher training and practical experience prescribed by subdivision (b) of Section 7393 as determined by the board, in any other state.

CHAPTER 369

An act to amend Sections 31639.7, 31648.5, 31649.5 and 31652 of, and to add Sections 31472.1, 31641.21 and 31641.51 to, the Government Code, relating to County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31472.1 is added to the Government Code, to read:

31472.1. "Regular interest" or "interest" when used for purposes of computing deposits under this chapter, except as otherwise specifically provided, shall mean that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contributions required to be deposited had been made in the amounts and at the times required if the member had been making such deposits during the time service was rendered until the amount required to be deposited has been paid. For purposes of this section "deposits" includes "redeposits".

SEC. 2. Section 31639.7 of the Government Code is amended to read:

31639.7. If a member not previously within the field of membership as a safety member is brought within such field of safety membership by amendment to this chapter, he may receive credit as a safety member for all or any part of the time during which his duties would have made him eligible to become a safety member if such amendment had then been in effect by filing with the board at the time he elects to become a safety member his election to pay into the retirement fund an amount equal to the difference between the contributions actually made during the time for which he claims credit and the contributions he would have made during such time, including all additional contributions, if any, required by Article 7.5 of this chapter, had he been a safety member, together with regular interest on the amount required to be deposited.

SEC. 3. Section 31641.21 is added to the Government Code, to read:

31641.21. Regular interest computed at the current interest rate as used in subdivision (b) of Section 31641.2 shall mean that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contribution required by that section had been on deposit from the date used to determine the earnable compensation on which such contributions are based until the amount required to be deposited has been paid.

SEC. 4. Section 31641.51 is added to the Government Code, to read:

31641.51. "Interest at the current rate" means that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contribution required by that section had been on deposit from the time he became a member of the system until the amount required to be deposited has been paid.

SEC. 5. Section 31648.5 of the Government Code is amended to read:

31648.5. Any elective officer (a) who has filed a declaration of election to become a member of a county retirement association established pursuant to this chapter and (b) who rendered any county service after the effective date of the system so established and prior to the effective date of his membership in the association and (c) who would not otherwise be entitled to credit for such service, shall be entitled to credit for such service as current service if he contributes to the retirement association the contributions which he would have made if he had been a member of the association during the time such service was rendered, together with regular interest thereon.

SEC. 6. Section 31649.5 of the Government Code is amended to read:

31649.5. Notwithstanding the provisions of Section 31649, any member who resigned to enter and did enter the armed forces of the United States or who obtained a leave of absence to enter and did enter the armed forces of the United States and returned to county service within one year after separation from the armed forces of the United States shall receive credit for service and prior service in the retirement association for all or any part of his service in the armed forces for which he receives no retirement pay from the United States if he elects to pay and does pay prior to retirement into the retirement fund an amount equal to the contributions he would have made to the fund on his compensation earnable at the time he resigned or received the leave of absence, together with regular interest thereon.

This section shall not be operative in any county until such time as the board of supervisors shall, by resolution adopted by majority vote, make the provisions of this section applicable in such county.

SEC. 7. Section 31652 of the Government Code is amended to read:

31652. Any member may redeposit in the retirement fund, prior to filing an application for retirement, by lump sum payment or by installment payments over a period of one year or for a longer time upon approval of the board, an amount equal to all of the accumulated normal contributions which he has withdrawn, plus regular interest thereon from the date of reentrance into the retirement system, and his membership, subject to the provisions of Section 31652.2, is the same as if unbroken by such termination. Whether he makes such a redeposit or not, his rate of contribution shall be based on age at the nearest birthday at time of reentrance into the system. If he does not redeposit all of the accumulated normal contributions previously withdrawn he shall be considered as a new member without credit for any previous service.

"Regular interest" as used in this section shall mean that amount of interest which would have been credited to the account of the member on the amount to be deposited at the interest rates established for the system if the contributions required by this section had been on deposit from the date of reentrance into the retirement system until the amount required to be deposited has been paid.

SEC. 8. The purpose of this act is to provide a uniform and equitable method for computing interest to be credited on deposits and redeposits of contributions for service under the County Employees Retirement Law of 1937. In the event any retirement system computed interest deposits or redeposits made or commenced before the effective date of this act in a manner different from that established by this act such computations and deposits or redeposits made pursuant thereto are hereby ratified and validated.

CHAPTER 370

An act to amend Section 31760.1 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31760.1 of the Government Code is amended to read:

31760.1. Upon the death of any member after retirement for service or non-service-connected disability from a retirement system established in a county subject to the provisions of Section 31676.1, 60 percent of his retirement allowance, if not modified in accordance with one of the optional settlements specified in this article, shall be continued throughout life to his surviving spouse if such spouse is designated as beneficiary. If there be no surviving spouse entitled to an allowance hereunder or if she or he dies before every child of such deceased member attains the age of 18 years, then the allowance which the surviving spouse would have received had she or he lived, shall be paid to his child or children under said age collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. No allowance, however, shall be paid under this section to a surviving spouse unless she or he was married to the member at least one year prior to the date of his retirement.

Notwithstanding any other provisions of this section, the benefits otherwise payable to the children of the member shall be paid to such children through the age of 21 if such children remain unmarried and are regularly enrolled as full-time students in an accredited school as determined by the board.

If at the death of any retired member there is no surviving spouse or minor children eligible for the 60-percent continuance provided in this section, and the total retirement allowance income received by him during his lifetime did not equal or exceed his accumulated normal contributions, his designated beneficiary shall be paid an amount equal to the excess of his accumulated normal contributions over his total retirement allowance income.

CHAPTER 371*An act to amend Section 1800 of, and to add Section 1770.1 to, the Welfare and Institutions Code, relating to the Youth Authority.*

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1770.1 is added to the Welfare and Institutions Code, to read:

1770.1. Every person convicted of a violation of Section 1768.7 and committed to the authority shall be discharged upon the expiration of a two-year period of control, when the person reaches his 23rd birthday, or six months after his discharge from the commitment he was serving at the time of his escape, whichever occurs later, unless an order for further detention has been made by the committing court pursuant to Article 6 (commencing with Section 1800) of Chapter 1 of Division 2.5.

SEC. 2. Section 1800 of the Welfare and Institutions Code is amended to read:

1800. Whenever the Youth Authority Board determines that the discharge of a person from the control of the Youth Authority at the time required by Section 1769, 1770, 1770.1, or 1771, as applicable, would be physically dangerous to the public because of the person's mental or physical deficiency, disorder, or abnormality, the board, through its chairman, shall make application to the committing court for an order directing that the person remain subject to the control of the authority beyond such time. The application shall be filed at least 90 days before the time of discharge otherwise required. The application shall be accompanied by a written statement of the facts upon which the board bases its opinion that discharge from control of the Youth Authority at the time stated would be physically dangerous to the public, but no such application shall be dismissed nor shall an order be denied merely because of technical defects in the application.

CHAPTER 372

An act to amend Section 14685 of, to add Section 14613 to, and to repeal Section 14613 of, the Government Code, relating to the Department of General Services.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14613 of the Government Code is repealed.

SEC. 2. Section 14613 is added to the Government Code, to read:

14613. There is in the Department of General Services the California State Police Division.

The director shall appoint members and employees of the California State Police Division as may be necessary to protect and provide police services for the state buildings and grounds and occupants thereof. Members and security officers

of the California State Police Division have the powers of peace officers as defined in the Penal Code.

Members of the California State Police Division consist of the following: the chief, inspectors, captains, lieutenants, sergeants, and officers. Employees of the California State Police Division consist of the following: security officers, assistants, and clerks.

The California State Police Division may provide for the physical security of the constitutional officers of the state and the legislators of the state.

SEC. 3. Section 14685 of the Government Code is amended to read:

14685. The director shall appoint assistants, clerks, and employees as may be necessary to maintain the state buildings and grounds. Such employees shall not have or perform the duties or functions of peace officers.

The department may establish rules and regulations for the government and maintenance of the state buildings and grounds. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.

CHAPTER 373

An act to amend Section 859a of the Penal Code, relating to criminal pleas.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 859a of the Penal Code is amended to read:

859a. If the public offense charged is a felony not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein and to a previous conviction or convictions of crime if charged; thereupon, or at any time thereafter, while the charge remains pending before the magistrate and when his counsel is present, the defendant may plead guilty to the offense charged, or, with the consent of the magistrate and the district attorney or other counsel for the people, plead *nolo contendere* to the offense charged or plead guilty or *nolo contendere* to any other offense the commission of which is necessarily included in that with which he is charged, or to an attempt to commit the offense charged and to the previous conviction or convictions of crime if charged; and upon such plea of guilty or *nolo contendere*, the magistrate may then fix a reasonable bail as provided by this code, and upon failure to deposit such bail or surety, shall immediately commit the defendant to the sheriff and certify

the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court. The foregoing provisions of this section shall not be construed to authorize the receiving of a plea of guilty or nolo contendere from any defendant not represented by counsel. If the defendant subsequently files a written motion to withdraw the plea under Section 1018, the motion shall be heard and determined by the court before which the plea was entered.

CHAPTER 374

An act to amend Section 6505.5 of the Government Code, relating to joint powers agreements.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6505.5 of the Government Code is amended to read:

6505.5. If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated to be the depository and have custody of all the money of the agency or entity, from whatever source.

The treasurer so designated shall:

(a) Receive and receipt for all money of the agency or entity and place it in the treasury of the treasurer so designated to the credit of the agency or entity;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all agency or entity money so held by him;

(c) Pay, when due, out of money of the agency or entity so held by him, all sums payable on outstanding bonds and coupons of the agency or entity;

(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement; and

(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he holds for the agency or entity, the amount of receipts since his last report, and the amount paid out since his last report.

The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated

depository pursuant to this section. He shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity. If such officer is the county auditor or controller he shall establish such funds and accounts to accomplish the purposes of the agreement in accordance with the uniform accounting procedures prescribed by the State Controller for counties pursuant to Section 30200.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer and auditor.

CHAPTER 375

An act to amend Section 35401 of the Vehicle Code, relating to combination of vehicles.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer or housecar and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer or housecar and semitrailer that meet the following requirements:

The kingpin is not less than 2 feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are

erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 2. Section 35401 of the Vehicle Code is amended to read:

35401. (a) No combination of vehicles coupled together, including any attachments thereto, shall exceed a total length of 60 feet, except as provided in subdivision (b).

(b) The following combinations of vehicles coupled together, including any attachments thereto, may exceed a total length of 60 feet but may not exceed a total length of 65 feet:

(1) Motortruck and trailer or housecar and trailer.

(2) Truck tractor, semitrailer and trailer. In this combination of vehicles, a semitrailer equipped with an auxiliary dolly shall be considered a trailer.

(3) A motortruck and semitrailer or housecar and semitrailer that meet the following requirements:

The pivot point of the semitrailer connection is not less than two feet to the rear of the center of the rearmost axle of the motortruck, and the distance from the pivot point to the rearmost axle of the semitrailer does not exceed 34 feet.

(4) A motortruck, trailer and forklift truck.

(5) A truck tractor, semitrailer and forklift truck.

(6) A truck tractor, semitrailer and a semitrailer designed to transport a forklift truck.

(7) A truck tractor, semitrailer and logging dolly.

(8) Motortrucks and truck tractors while being operated in a "driveaway-towaway operation."

(c) Any city or county may, by ordinance, prohibit such combination of vehicles of a total length in excess of 60 feet upon highways under their respective jurisdiction. Such an ordinance shall not be effective until appropriate signs are erected indicating either the streets affected by the ordinance or the streets not affected, as the local authorities determine will best serve to give notice of the ordinance.

SEC. 3. It is the intent of the Legislature, if amendments to Section 35401 of the Vehicle Code proposed by both this bill and A.B. 674 are enacted, that both amendments be given effect and incorporated in Section 35401 in the form set forth in Section 2 of the this act. Therefore, in the event A.B. 674 is enacted and amends Section 35401, Section 2 of this act shall become operative at the same time that Section 35401 as amended by A.B. 674 becomes operative, and at that time, Section 35401 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 376

An act to add Sections 1519 and 1862 to the Probate Code, relating to duties of guardians and conservators.

The people of the State of California do enact as follows:

SECTION 1. Section 1519 is added to the Probate Code, to read:

1519. Any sale or purchase of property not previously approved or disapproved during administration of the guardianship estate shall be subject to review by the court upon the next succeeding accounting of the guardian after the sale or purchase is made. Upon such accounting and review, the court may hold the guardian liable for any violation of his duties with respect to such sale or purchase. Nothing in this section shall be construed to affect the validity of any such sale or purchase.

SEC. 2. Section 1862 is added to the Probate Code, to read:

1862. Any sale or purchase of property not previously approved or disapproved during administration of the conservatorship estate shall be subject to review by the court upon the next succeeding accounting of the conservator after the sale or purchase is made. Upon such accounting and review, the court may hold the conservator liable for any violation of his duties with respect to such sale or purchase. Nothing in this section shall be construed to affect the validity of any such sale or purchase.

CHAPTER 377

An act to amend Section 23428.12 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.12 of the Business and Professions Code is amended to read:

23428.12. For purposes of this article "club" also means any nonprofit social and religious club which has more than 50 bona fide members, and owns or leases, operates and maintains a clubroom or rooms for its membership, and has operated the clubroom or rooms for a period of not less than eight years, and has regular membership dues of not less than twenty-five dollars (\$25) per year per member.

CHAPTER 378

An act to amend Section 22511.5 of the Vehicle Code, relating to parking of vehicles.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22511.5 of the Vehicle Code is amended to read:

22511.5. Any person who has lost, or has lost the use of, one or more limbs or is so severely disabled as to be unable to move without the aid of a mechanical device shall be allowed to park for unlimited periods in parking zones restricted as to the length of time parking is permitted. This section shall have no application to those zones in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege the vehicle shall display a distinguishing license plate which shall be issued for a vehicle registered to the disabled person, without additional fees, by the Department of Motor Vehicles pursuant to regulations adopted by that department.

CHAPTER 379

An act to amend Sections 11800, 11802 and 14620.5 of the Elections Code, relating to elections.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11800 of the Elections Code is amended to read:

11800. Unless the context otherwise clearly requires, the definitions set forth in this article shall govern the construction of this chapter.

Notwithstanding Section 42, the word "measure," as used in this chapter, is defined as any constitutional amendment or other proposition submitted to a popular vote at any election, including any initiative, referendum or recall petition, whether or not it qualifies for the ballot.

SEC. 2. Section 11802 of the Elections Code is amended to read:

11802. "Expenses" means the cost of:

(a) Securing signatures to initiative, referendum or recall petitions.

(b) Circulating initiative, referendum or recall petitions.

(c) Holding and conducting public meetings.

(d) Printing and circulating prior to an election:

(1) Specimen ballots.

(2) Handbills.

(3) Cards.

(4) Other papers.

(e) Advertising.

(f) Postage.

(g) Expressage.

- (h) Telegraphing.
- (i) Telephoning.
- (j) All salaries and expenses of:
 - (1) Campaign managers.
 - (2) Lecturers.
 - (3) Solicitors.
 - (4) Agents.
- (5) All persons employed in transacting business at headquarters or branch offices.
- (k) Maintaining headquarters and branch offices.
- (l) Renting of rooms for the transaction of the business of an association.

SEC. 3. Section 14620.5 of the Elections Code is amended to read:

14620.5. Whenever there are 30 or less persons registered to vote in any precinct, the clerk may, not less than 29 days prior to election day, furnish an application blank for an absent voter ballot to each registered voter, together with a statement that there will be no polling place for the election, and if the voter desires to vote at the election, he shall apply for an absent voter ballot not less than seven days before the election or vote at the office of the clerk on election day.

The order of the election board, or publications required for the election, shall state that there will be no polling places for the particular precinct in the election, and that the qualified voters shall vote by absent voter ballots or vote at the office of the clerk on election day.

No precinct shall be divided to bring it within the provisions of this section.

CHAPTER 380

An act to amend Sections 36826 and 36951 of, and to add Sections 36830.6 and 36950.5 to, the Water Code, relating to collection of assessments.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 36826 of the Water Code is amended to read:

36826. Within 10 days after each assessment is due and payable, the assessor shall publish in a newspaper of general circulation published in the principal county a notice specifying all of the following:

(a) The date on which the assessments became due and payable to the tax collector.

(b) The time when the assessments will be delinquent, or, in the event the board has made an election as provided in Section 36950.5, the times when each half of the assessments will be delinquent.

(c) That upon delinquency a penalty of 5 percent of the amount delinquent will be added thereto and the delinquent property sold to the district.

SEC. 2. Section 36830.6 is added to the Water Code, to read:

36830.6. If a remittance to cover a payment required to be made on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be determined received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the tax collector establishes that the mailing occurred on an earlier date, provided, however, that the tax collector need not accept such a payment if it is received more than 30 days after the date on or before which the payment was delinquent.

SEC. 3. Section 36950.5 is added to the Water Code, to read:

36950.5. Notwithstanding the provisions of Section 36950, the board may, by resolution, provide that assessments may be paid in two equal installments, the first of which shall be delinquent if not paid within five calendar months after the assessments became due and the second of which shall be delinquent if not paid within nine calendar months after the assessments became due. Notwithstanding such provision, the entire assessment on any parcel may be paid before delinquency of the first installment. If any assessment is not evenly divisible by two, the odd cent shall be shown as a part of and included in the first installment.

SEC. 4. Section 36951 of the Water Code is amended to read:

36951. As soon as possible after the assessments, or any installment thereof, become delinquent, the tax collector shall publish once a week for three weeks in a newspaper of general circulation published in the principal county a notice containing:

- (a) A description of the delinquent property.
- (b) The name of the assessee.
- (c) The amount of the assessments and penalties due on the property.
- (d) The amount of the assessments and penalties delinquent on the property.

CHAPTER 381

An act to amend Sections 18712 and 19704 of the Government Code, relating to civil service.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18712 of the Government Code is amended to read:

18712. The board shall annually file a report with the Governor and each house of the Legislature on matters under the jurisdiction of the Personnel Board pertaining to and affecting the salaries, wages, hours of work, conditions of work and other matters relating to the civil service personnel of the State of California. Such report shall be filed with the Governor at least 30 days prior to the opening day of the Legislature each year and shall be filed with each house of the Legislature within five days after the opening day of the Legislature in each year.

SEC. 2. Section 19704 of the Government Code is amended to read:

19704. It is unlawful to require, permit or suffer any notation or entry to be made upon or in any application, examination paper or other paper, book, document, or record used under this part indicating or in any wise suggesting or pertaining to the race, color, or religion of any person. Notwithstanding the provisions of this section, subsequent to employment, ethnic data may be obtained and maintained for research and statistical purposes when safeguards preventing misuse of the information exist as approved by the Fair Employment Practices Commission except that in no event shall any notation, entry, or record of such data be made on papers or records relating to the examination, appointment, or promotion of an individual.

CHAPTER 382

An act to amend Section 14083 of, and to repeal Sections 13887, 13888, and 13889 of, the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 13, 1970 Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13887 of the Education Code is repealed.

SEC. 2. Section 13888 of the Education Code is repealed.

SEC. 3. Section 13889 of the Education Code is repealed.

SEC. 4. Section 14083 of the Education Code is amended to read:

14083. Any person whose contributions were refunded to him and who has received, or will qualify for the receipt of a retirement allowance from the Public Employees' Retirement System as a state member of that system, or as an employee of a local school district or of a superintendent, or from the

retirement system of the University of California or the Legislators' Retirement System has the right to reenter this system and to redeposit the contributions refunded to him, with regular interest, without being employed in a status requisite for membership in this system.

Such redeposit shall be in the form of a single lump sum payment.

A person who is reinstated to membership on account of this section is not entitled to receive credit for service which might otherwise be creditable under the provisions of Section 13999 relating to credit for service rendered outside the state prior to July 1, 1944.

CHAPTER 383

An act to add Sections 11131 and 54961 to the Government Code, relating to meetings of public agencies.

[Approved by Governor July 13, 1970 Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11131 is added to the Government Code, to read:

11131. No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex. As used in this section, "state agency" means and includes every state office, officer, department, division, bureau, board, council, commission, or other state agency.

SEC. 2. Section 54961 is added to the Government Code, to read:

54961. No local agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex. This section shall apply to every local agency as defined in Section 54951.

CHAPTER 384

An act to amend Section 61383 of the Agricultural Code, relating to milk.

[Approved by Governor July 13, 1970 Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 61383 of the Agricultural Code is amended to read:

61383. The sale or offer to sell or giving of any article in any transaction which involves the sale or disposal of milk, cream, or any dairy product, for less than the cost of the article, as "cost" is defined in Section 61384, to secure or retain the milk, cream, or dairy products business of any wholesale customer or any person that buys as a consumer is an unfair practice.

CHAPTER 385

An act to maintain the Harbors and Navigation Code, by amending Section 267 and repealing Part 1 (commencing with Section 1690) of Division 6, relating to water navigation.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 267 of the Harbors and Navigation Code is amended to read:

267. Every owner, operator, or person in command of any powerboat, is guilty of a misdemeanor who operates it or permits it to be operated at a speed in excess of five nautical miles per hour in any portion of the following areas not otherwise regulated by local rules and regulations:

(a) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.

(b) Within 200 feet of any:

(1) Beach frequented by bathers.

(2) Swimming float, diving platform, or lifeline.

(3) Way or landing float to which boats are made fast or which is being used for the embarkation or discharge of passengers.

The provisions of this section shall apply to all waters which are in fact navigable regardless of whether they are declared navigable by this code.

SEC. 2. Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code is repealed.

SEC. 3. The repeal of Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code shall not affect the obligation of any bonds issued under such provisions.

SEC. 4. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 386

An act to amend Section 5005 of the Public Utilities Code, relating to transportation.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5005 of the Public Utilities Code is amended to read:

5005. All fees collected under this chapter; all fees charged and collected for copies of papers, records, transcripts of testimony, or other documents, the cost of which is charged to the Transportation Rate Fund; and all fees collected for the filing of applications pursuant to Sections 1010, 1064 and 1064.1 shall be deposited at least once a month in the State Treasury to the credit of the Transportation Rate Fund, which is continued in existence. The money in the fund shall be in augmentation of the current appropriation for the support of the commission, and shall be expended by the commission for the purpose of administering and enforcing the Highway Carriers' Act, the Motor Transportation Brokers Act, the Household Goods Carriers Act, and also for the purpose of administering and enforcing those provisions of Part 1 of Division 1 and other acts conferring upon the commission jurisdiction over the rates, charges, and classifications, and the rules and practices relating thereto, of intrastate motor carriers of property for compensation.

SEC. 2. This act shall become operative July 1, 1971.

CHAPTER 387*An act to add Sections 61710 and 61713 to, and to repeal Section 61710 of, the Government Code, relating to community services districts.*

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 61710 of the Government Code is repealed.

SEC. 2. Section 61710 is added to the Government Code, to read:

61710. Improvement districts may be formed in a district in the same manner as improvement districts are formed in irrigation districts. An improvement district shall have the power to acquire, construct, operate, and maintain only those improvements or facilities necessary or required to carry out the purposes of the district which have been authorized pur-

suant to Chapter 1 (commencing with Section 61600), of this part.

SEC. 3. Section 61713 is added to the Government Code, to read:

61713. As an alternative to levying an assessment in an improvement district as provided in Section 61712, the district board may levy an ad valorem tax within the improvement district pursuant to the provisions of Part 6 (commencing with Section 61750), Division 3, Title 6.

CHAPTER 388

An act to add Section 18084 to the Streets and Highways Code, relating to street lighting.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18084 is added to the Streets and Highways Code, to read:

18084. In the event that an ordinance requires the installation of a street lighting system by a subdivider, the resolution of intention may state that the territory owned by the subdivider comes under the terms of such ordinance and order that such territory, without notice and hearing, be formed into a district, or annexed to an existing district, established under the provisions of this part.

CHAPTER 389

An act to amend Section 13965 of the Government Code, relating to victims of crimes.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13965 of the Government Code is amended to read:

13965. (a) The law enforcement agency investigating a crime shall provide forms to each person who may be eligible to file a claim pursuant to this chapter. The law enforcement agency shall obtain from the board any forms which may be necessary in the preparation and presentation of such claims.

(b) If a victim of a crime does not cooperate with a state or local law enforcement agency in the apprehension and conviction of the criminal committing the crime, the agency shall immediately notify the board of such lack of cooperation.

CHAPTER 390

An act to amend Sections 9256, 9259, and 9261 of, and to add Section 9250.1 to, the Public Resources Code, relating to soil conservation districts.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9250.1 is added to the Public Resources Code, to read:

9250.1. The directors may conduct surveys, investigations, and research relating to the conservation of resources and the preventive and control measures and works of improvement needed, publish the results of such surveys, investigations, or research, and disseminate information concerning such preventive control measures and works of improvement; provided, however, that in order to avoid duplication of surveys, investigations, and research activities, the directors shall seek the cooperation of local, state, and federal agencies.

SEC. 2. Section 9256 of the Public Resources Code is amended to read:

9256. The directors may cooperate and enter into contracts or agreements with the state, the United States, any county, city, district, agency, organization, or person, in furtherance of the provisions of this division, and to that end may accept and use contributions of labor, money, supplies, materials, or equipment useful for accomplishing the purposes of the district.

SEC. 3. Section 9259 of the Public Resources Code is amended to read:

9259. The directors may disseminate information relating to soil and water conservation, and may conduct demonstrational projects within, or adjacent to, the district on public land, with the consent of the agency administering or having jurisdiction thereof, or on private lands, with the consent of the owners thereof, independently or in cooperation with the United States, this state or any political subdivision or public district thereof, or any person.

SEC. 4. Section 9261 of the Public Resources Code is amended to read:

9261. The directors shall develop districtwide comprehensive plans which shall include soil and water conservation, including the improvement of farm irrigation and land drainage, erosion control and flood prevention, and community watersheds within the district. Such comprehensive plans shall conform to the general plan and its elements for the area as adopted pursuant to Article 6 (commencing with Section 65350) of Chapter 3 of Title 7 of the Government Code.

CHAPTER 391

An act to amend Section 9850 of the Public Resources Code, relating to soil conservation.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9850 of the Public Resources Code is amended to read:

9850. For purposes of cooperating with landowners or any other agency or for purposes of cooperating with the United States under provisions of the Watershed Protection and Flood Prevention Act (Chapter 656, Public Law 566, 83d Cong., 2d Session), and all acts amendatory thereof or supplementary thereto, lands which need not be contiguous may be formed into an improvement district for constructing, both in or for the improvement district, one or more of the following:

(a) Flood prevention improvements, including structural and land-treatment measures.

(b) Improvements for the agricultural phases of conservation, development, utilization, drainage disposal, and distribution of water.

(c) Improvements for prevention or stabilization of soil erosion.

CHAPTER 392

An act to amend Section 186.4 of the Streets and Highways Code, relating to streets and highways.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 186.4 of the Streets and Highways Code is amended to read:

186.4. In selecting or revising the select system of county roads or city streets in accordance with Section 186.3, the county or city, and the department in making its review and modification, if any, shall give consideration to the following criteria:

(a) The total mileage of the select system for any county or city shall not exceed 50 percent of the sum of state highway and locally maintained road or street mileage in the county or city less the state highway mileage in the county or city; except that this limit may be exceeded in the case of unusual circumstances reported by the county or city and determined by the department to constitute sufficient cause for exceeding the limit.

(b) Any route included in the select system of county roads or city streets shall meet one or more of the following tests:

(1) It shall provide an important traffic connection to a route in the state highway system.

(2) It shall be an important traffic lateral between two or more routes in the state highway system.

(3) It shall afford substantial traffic relief to one or more routes in the state highway system.

Routes in the state highway system may be included in the select system for the purpose of providing for contributions to and processing of projects pursuant to cooperative agreements with the department. Any route so included shall, upon relinquishment as a state highway, remain in the select system.

Any route not qualifying, or only partially qualifying, under any one or more of the foregoing tests may be included in the select system for the county or city only upon a showing of cause by the county or city in its report and upon a determination by the department that sufficient cause exists for the inclusion of the route in the system.

(c) A showing shall be made by the county or city in its report that every route included in its select system is coordinated with route selections of contiguous local jurisdictions and with routes in the state highway system.

(d) Notwithstanding any other provisions of this section, each county shall be entitled to include within its select system as many miles of county road as were included in its approved system of primary roads pursuant to Chapter 1 (commencing with Section 2000) of Division 3 on January 1, 1963, and each city shall be entitled to include within its select system as many miles of city streets as were included in its approved system of major city streets pursuant to Chapter 2 (commencing with Section 2050) of Division 3 on January 1, 1963.

(e) Notwithstanding any other provisions of this section, the general or master plan of county roads, as adopted and modified from time to time by the board of supervisors, may be designated by the board of supervisors as the select system of county roads for the county. The board of supervisors shall endeavor to coordinate the routes in the general or master plan of county roads with route selections of contiguous local jurisdictions and with routes in the state highway system. If the board of supervisors makes the designation authorized by this subdivision, and any route in the general or master plan of county roads is not coordinated with the route selections of a contiguous local jurisdiction, such contiguous local jurisdiction shall not be required, under subdivision (c), to make a showing of coordination of its select system routes with such route.

CHAPTER 393

An act to add Section 3512.1 to the Elections Code, relating to elections.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3512.1 is added to the Elections Code, to read:

3512.1. Notwithstanding the provisions of Section 3512, any person having attained the age of 18 who would qualify as an elector except for his age shall be competent to solicit signatures within the county or city and county in which he resides for any initiative petition proposing that the Constitution of the State of California be amended to lower the minimum voting age to 18.

SEC. 2. The Legislature finds and declares that persons age 18 to 21 who would qualify as electors except for their age, in the interests of justice and equal representation of all citizens, should be allowed a voice on the question of lowering the minimum voting age to 18. The persons directly affected are denied any final voice on the question by the Constitution, as under the Constitution the determination of whether the voting age should be lowered will be made by those 21 years of age and over.

For these reasons, the Legislature enacts this act so that those persons who are under 21 years of age may participate in the process of placing this matter before the electorate for a vote.

The Legislature is also aware that the circulation of initiative petitions has long been limited to persons who are electors, with substantial justification. Since it is the people who have the final voice to declare who shall exercise the rights of electors, the provisions of this act have been limited to the circulation of petitions to lower the voting age to 18.

CHAPTER 394*An act to amend Section 35551 of the Vehicle Code, relating to the weight of vehicles.*

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35551 of the Vehicle Code is amended to read:

35551. Every vehicle whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with both subdivisions (a) and (b) of this section. The limitations imposed by this section are in addition and supplemental to all other provisions of this code imposing limitations upon the size and weight of vehicles.

(a) The total gross weight with load imposed on the highway by any group of two or more consecutive axles of a vehicle or of a combination of vehicles where the distance between the first and last axles of the two or more consecutive axles is 18 feet or less, shall not exceed that given for the respective distance in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4 -----	32,000
5 -----	32,000
6 -----	32,200
7 -----	32,900
8 -----	33,600
9 -----	34,300
10 -----	35,000
11 -----	35,700
12 -----	36,400
13 -----	37,100
14 -----	43,200
15 -----	44,000
16 -----	44,800
17 -----	45,600
18 -----	46,400

(b) The total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18 -----	46,400
19 -----	47,200
20 -----	48,000
21 -----	48,800
22 -----	49,600
23 -----	50,400
24 -----	51,200
25 -----	55,250
26 -----	56,100
27 -----	56,950
28 -----	57,800
29 -----	58,650

Distance in feet	Allowed load in pounds
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

(d) Nothing herein shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Articles 4 (commencing with Section 35700) and 5 (commencing with Section 35750) of Chapter 5 of Division 15 of this code.

(e) This section may be cited as the Collier-Porter Act.

CHAPTER 395

An act to amend Section 11713 of the Vehicle Code, relating to manufacturers, transporters, and dealers.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of

Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, certificate, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, certificate, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, certificate, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

CHAPTER 396

An act to amend Sections 31469.3 and 31558 of, and to add Section 31558.6 to, the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31469.3 of the Government Code is amended to read:

31469.3. "Safety member" means any person who is either: (a) A member of a pension system established pursuant to either Chapter 4 or Chapter 5, who elects by written notice filed with the board, to become a safety member, or

(b) Any person employed by a county, subject to Section 31676.1 or 31695.1 or by a district or court organized or existing within such a county, whose principal duties consist of active law enforcement or active fire suppression as described in Section 31470.2 and 31470.4, or active lifeguard service as limited by Section 31470.6 or juvenile hall group counseling and group supervision if adopted by the board of supervisors as provided in Section 31469.4.

SEC. 2. Section 31558 of the Government Code is amended to read:

31558. All existing members of a pension system established pursuant to either Chapter 4 or Chapter 5 and all employees eligible as safety members who at the time of entering service elected to become safety members, or who subsequently became members, shall become safety members and thereafter each person not over 35 years of age when employed in a

position, the principal duties of which consist of active law enforcement or active fire suppression or juvenile hall group counseling and group supervision, as defined in Sections 31469.3, 31469.4, 31470.2 and 31470.4, shall become a safety member on the first day of the calendar month following his entrance into the service. The sheriff and undersheriff shall become safety members on the first day of the calendar month following their entrance into the service, regardless of age.

SEC. 3. Section 31558.6 is added to the Government Code, to read:

31558.6. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age, who is employed in a position, the principal duties of which consist of juvenile hall group counseling and group supervision as defined in Section 31469.4, on the date the provisions of Section 31469.4 are made applicable in a county by the board of supervisors and who files with the board written election to become a safety member on or prior to one year after the date the provisions of Section 31469.4 are made applicable in a county by the board of supervisors, shall become a safety member.

Thereafter each person not over 35 years of age when employed in such position, shall become a safety member on the first day of the calendar month following his entrance into the service.

CHAPTER 397

An act to amend Section 543 of the Health and Safety Code, relating to sanitarians.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 543 of the Health and Safety Code is amended to read:

543. A nonreturnable fee of twenty-five dollars (\$25) shall be paid by a person each time he applies to take the examination authorized by subdivision (b) of Section 542. Such fees shall be deposited in the State Treasury to the credit of the General Fund.

CHAPTER 398

An act to amend Section 31835 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[Approved by Governor July 13, 1970. Filed with Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31835 of the Government Code is amended to read:

31835. The average compensation during any period of service as a member of the Public Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days. Such period shall not include any time during which the member was prohibited by law from becoming a member of the system of another county.

Notwithstanding anything in this chapter to the contrary, the 90 calendar days restriction referred to in this section or any other provision of this chapter effecting deferred retirement shall not be applicable to any members who left county or district service prior to October 1, 1949, and subsequently redeposited.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

The provisions of this section shall be applicable to all members and beneficiaries of the system.

CHAPTER 399

An act to add Section 31787.6 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31787.6 is added to the Government Code, to read:

31787.6. A surviving spouse of a safety member who is killed in the performance of duty or who dies as the result of an accident or injury caused by external violence or physical force, incurred in the performance of his duty, shall be paid the following amount in addition to all other benefits provided by this chapter:

A one-time lump sum benefit equal to an amount, provided from contributions by the county or district, equal to the annual compensation earnable by the deceased at his monthly rate of compensation at the time of his death.

CHAPTER 400

An act to amend Sections 1796 and 25445 of the Education Code, relating to school district tax rates.

[Approved by Governor July 13, 1970. Filed with
Secretary of State July 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1796 of the Education Code is amended to read:

1796. If a junior college district is formed with boundaries which are coterminous with the boundaries of a single high school district of any type and both districts are thereafter governed by governing boards of identical personnel, and if prior to the formation of the junior college district the high school district had established a district tax rate in excess of the maximum rate prescribed by Section 20751, such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum combined tax rate of both districts for combined high school and junior college purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of both districts and the boundaries of the high school and junior college districts thereafter become noncoterminous as a result of any junior college district organization or reorganization proceedings, the excess tax rate shall be continued at the option of the governing board of the high school district as the maximum tax rate of such district for high school purposes for a period not to exceed the remaining number of years for which the excess tax rate was previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of the high school and junior college districts, and while both districts are governed by governing boards of identical personnel, the governing boards of such districts may, by resolution, divide said maximum combined tax rate between the two districts, provided that the resulting maximum tax rate for either of the districts shall not be established at a rate lower than the applicable rate or rates established by Section 20751.

As used in this section, "high school district" includes a unified school district, and "high school purposes" include unified school district purposes.

SEC. 2. Section 25445 of the Education Code is amended to read:

25445. Upon the formation of a junior college district the boundaries of which are coterminous with the boundaries of a single existing high school district of any type and which districts are thereafter governed by governing boards of identical

personnel, if prior to the formation of such junior college district the voters of the high school district at an election had voted a district tax rate in excess of the maximum rate prescribed by Section 20751 such excess tax rate shall be continued at the option of the governing boards of the high school and junior college districts as the maximum combined tax rate of both of said districts for combined high school and junior college purposes for a period not to exceed the period of time for which such excess tax rate was so previously authorized by the voters of the high school district.

Whenever the excess tax rate is continued as the maximum combined rate of the high school and junior college districts, and while both districts are governed by governing boards of identical personnel, the governing boards of such districts may, by resolution, divide said maximum combined tax rate between the two districts, provided that the resulting maximum tax rate for either of the districts shall not be established at a rate lower than, the applicable rate or rates established by Section 20751.

As used in this section, "high school district" includes a unified school district, and "high school purposes" includes unified school district purposes.

CHAPTER 401

An act to add Sections 25425 and 25425.1 to, and to repeal Section 25425 of, the Education Code, relating to community colleges.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25425 of the Education Code is repealed.

SEC. 2. Section 25425 is added to the Education Code, to read:

25425. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14, the payment of a fee in the total amount of not more than seven dollars and fifty cents (\$7.50) for the regular school year for health supervision and services, and the medical and hospitalization services, authorized by Article 1 (commencing with Section 11701) of Chapter 4 of Division 9.

All of such fees shall be deposited in the general fund of the district, and shall be expended only for the purposes for which such fees were collected.

SEC. 3. Section 25425.1 is added to the Education Code, to read:

25425.1. The governing board of a district maintaining a community college may require of pupils in attendance in grades 13 and 14 and employees of the district, the payment of a toll, in an amount not to exceed twenty dollars (\$20) per semester or forty dollars (\$40) per regular school year to be fixed by the board, for parking services.

Such toll shall only be required of pupils and employees using such services.

All such tolls collected shall be deposited in the general fund of the district and shall be expended only for parking services.

Tolls collected for use of parking services provided for by investment of student body funds under the authority of Section 10703.5 shall be deposited in a special fund for repayment to the student organization.

"Parking services," as used in this section, means the purchase, construction, and operation and maintenance of parking facilities.

CHAPTER 402

An act to amend Section 655 of the Harbors and Navigation Code, relating to water activities.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 655 of the Harbors and Navigation Code is amended to read:

655. (a) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person. The commission shall adopt regulations for the operation of motorboats or vessels, water skis, aquaplanes or similar devices in a manner which will minimize the danger to life, limb, or property consistent with reasonable use of the equipment for the purpose for which it was designed.

(b) No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device while under the influence of intoxicating liquor or under the influence of any narcotic as defined in Section 11001 of the Health and Safety Code or any restricted dangerous drug as defined in Section 11901 of the Health and Safety Code.

CHAPTER 403

An act to amend Section 9033 of the Public Resources Code, relating to soil conservation districts.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9033 of the Public Resources Code is amended to read:

9033. All persons who, at the time this Division 9 goes into effect, are officers or employees of a soil conservation district operating under the Division 9 repealed upon the enactment of this Division 9 shall continue to be officers or employees of a soil conservation district as though Division 9 had not been repealed.

CHAPTER 404

An act relating to Higher Horizon Summer Program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The sum of ten thousand dollars (\$10,000) is hereby appropriated from the unexpended appropriation made pursuant to Section 6 of Chapter 1495 of the Statutes of 1969 to the California Museum of Science and Industry (Article 1 (commencing with Section 4101) of Chapter 6 of Part 3 of Division 3 of the Agricultural Code) for the development and operation of a Higher Horizon Summer Program. The activities of the program shall be directed to strengthening the skills and broadening the knowledge of students in the areas of mathematics and science.

The California Museum of Science and Industry may contract with, and receive and expend funds with, any public or private nonprofit agency, foundation, or corporation for the purposes of this act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that funds be made available to the California Museum of Science and Industry to initiate the development of the Higher Horizon Summer Program at the earliest possible time so that the program will be in operation for the summer of 1970, it is necessary that this act take effect immediately.

CHAPTER 405

An act to amend Sections 5014, 5016, 5017, 21658, 36115, and 36120 of, and to add Sections 5016.5 and 36115.5 to, the Vehicle Code, relating to vehicles.

[Approved by Governor July 14, 1970. Filed with Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5014 of the Vehicle Code is amended to read:

5014. An application by a person other than a manufacturer or dealer for an identification plate for special construction equipment, cemetery equipment, special mobile equipment or a snowmobile shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the equipment.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle. Only one photograph of one piece of equipment shall be required to be attached to the application when identification plates are to be obtained for more than one piece of equipment, each of which is of the same identical type.

(d) Such other information as may reasonably be required by the department to determine whether the applicant is entitled to be issued an identification plate.

Only subdivisions (a) and (c) of this section shall apply to an application for an identification plate for a snowmobile.

SEC. 2. Section 5016 of the Vehicle Code is amended to read:

5016. (a) Upon proper application and payment of the service charge, the department shall issue an identification plate and an identification card for the piece of equipment or vehicle for which application is made.

(b) Upon proper application and payment of the service charge, the department shall issue an identification plate and an identification card to any manufacturer or dealer of special construction equipment, special mobile equipment, or cemetery equipment, which plate and card shall have displayed thereon a general distinguishing number assigned to the applicant. Each plate and card so issued shall also contain an individual number or symbol in addition to the general distinguishing number.

Such manufacturer or dealer may apply for and be issued more than one such plate and card.

SEC. 3. Section 5016.5 is added to the Vehicle Code, to read:

5016.5. A manufacturer or dealer of special construction equipment, special mobile equipment, or cemetery equipment may operate or move such equipment upon the highways dur-

ing the delivery of or during the demonstration for the sale of such piece of equipment upon condition that any such equipment display thereon an identification plate issued to such manufacturer or dealer pursuant to subdivision (b) of Section 5016; provided, that special permits have been obtained in accordance with the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15 for the operation or movement of any such equipment of a size, weight, or load exceeding the maximum specified in this code.

SEC. 4. Section 5017 of the Vehicle Code is amended to read:

5017. (a) Each identification plate issued under subdivision (a) of Section 5016 shall bear a distinctive number to identify the equipment for which it is issued. The owner, upon being issued a plate, shall attach it to the equipment for which it is issued and shall carry the identification card issued by the department as provided by Section 4454. It shall be unlawful for any person to attach or use the plate upon any other equipment or vehicle. If the equipment is destroyed or the ownership thereof transferred to another person, the person to whom the plate was issued shall first remove the plate and, within 10 days after removing the plate, return it to the department, together with a notice, on a form approved by the department, that the equipment has been destroyed or the ownership thereof transferred to another person.

(b) If the person to whom the plate or plates was issued pursuant to subdivision (b) of Section 5016 is no longer a manufacturer or dealer of such equipment, such person shall, within 10 days from the date that he ceases to be such a manufacturer or dealer, return it to the department, together with a notice, on a form approved by the department, that he is no longer a manufacturer or dealer of such equipment.

SEC. 5. Section 21658 of the Vehicle Code is amended to read:

21658. Whenever any roadway has been divided into two or more clearly marked lanes for traffic in one direction, the following rules apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from the lane until such movement can be made with reasonable safety.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of the traffic device.

SEC. 6. Section 36115 of the Vehicle Code is amended to read:

36115. (a) Any person who owns an implement of husbandry which is exempt from registration may obtain an identification plate for the implement.

(b) Upon proper application and payment of the service charge, the department shall issue an identification plate as applied for to any manufacturer or dealer of an implement

of husbandry which is exempt from registration, which plate shall have displayed thereon the general distinguishing number assigned to an applicant. Each plate so issued shall also contain an individual number or symbol in addition to the general distinguishing number.

Such manufacturer or dealer may obtain more than one such plate.

SEC. 7. Section 36115.5 is added to the Vehicle Code, to read:

36115.5. A manufacturer or dealer of implements of husbandry may operate or move such equipment upon the highways during the delivery of or during the demonstration for the sale of such implement of husbandry upon condition that any such implement display thereon an identification plate issued to such manufacturer or dealer pursuant to subdivision (b) of Section 36115; provided, that special permits have been obtained in accordance with the provisions of Article 6 (commencing with Section 35780) of Chapter 5 of Division 15 for the operation or movement of any such implement of a size, weight, or load exceeding the maximum specified in this code.

SEC. 8. Section 36120 of the Vehicle Code is amended to read:

36120. An application by a person other than a manufacturer or dealer for an identification plate for implements of husbandry shall include the following:

(a) A statement by the owner of the use or uses which he intends to make of the implement.

(b) A description of the vehicle, including any distinctive marks or features.

(c) A photograph of the vehicle.

(d) Such other information as may reasonably be required by the Department of Motor Vehicles to determine whether the applicant is entitled to be issued an identification plate.

When identification plates are to be obtained for more than one implement, each of which is of the same identical type, only one photograph of one piece shall be required to be attached to the application.

CHAPTER 406

An act to amend Sections 4975 and 4976 of, and to repeal Section 4977 of, the Health and Safety Code, relating to revenue bonds, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4975 of the Health and Safety Code is amended to read:

4975. If, before the conclusion of the hearing, a petition signed by not less than 15 percent of the owners in the specified area is filed with the governing body requesting that body to submit the proposition of acquiring or constructing the proposed works to an election of the registered voters in the area, the governing body shall forthwith call an election in the area for that purpose.

SEC. 2. Section 4976 of the Health and Safety Code is amended to read:

4976. If called, the election shall be held and conducted, the votes received and canvassed, and the returns made, determined, and declared, so far as practicable, in accordance with the laws governing the enactment or rejection of city ordinances by means of the initiative or referendum.

SEC. 3. Section 4977 of the Health and Safety Code is repealed.

SEC. 4. This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Sanitary sewage facilities are a necessity to and affect all persons in the area, whether or not the persons are owners of improved real property in the area. There is a real need for elections to be held whereby all persons in the area may indicate their desire for increased sewage facilities. In order to help alleviate this critical situation, it is necessary that this act take effect immediately.

CHAPTER 407

An act to amend Section 8836.5 of the Fish and Game Code, relating to trawlnets.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8836.5 of the Fish and Game Code is amended to read:

8836.5. Notwithstanding Section 8836, trawlnets, except midwater trawlnets, may be used in that portion of District 18 between a line running due west from Point Lobos and a line running due west from Point Sur in waters not less than one nautical mile from the nearest point of land on the mainland shore.

This section shall continue in effect until the 61st day following final adjournment of the 1972 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 408

An act to repeal Section 9206 of the Public Resources Code, relating to soil conservation district elections.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9206 of the Public Resources Code is repealed.

CHAPTER 409

An act to amend Section 25210.77b of the Government Code, relating to county service areas.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.77b of the Government Code is amended to read:

25210.77b. A county may fix, on or before the first day of July in each calendar year, a water standby or immediate availability charge on all land within a county service area to which water is made available for any purpose by the county whether the water is actually used or not, except that such charge shall not apply to lands permanently dedicated exclusively to the public transportation of persons or property. The board of supervisors of the county which fixes such a charge may establish schedules varying the charges in different months and in different localities within a county service area depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, the degree of availability or quantity of use of such water to the affected lands. The board may not, however, fix a charge in excess of ten dollars (\$10) per acre or in excess of five dollars (\$5) for a parcel of less than one acre.

If a person for more than one year obtains substantially all of his water requirements for the contiguous parcels of land which he occupies from rainfall, springs, streams, lakes, rivers or wells, and if the person's primary economic activity on such land is the commercial extraction or processing of minerals, such land shall be exempt from any water standby or availability charges.

CHAPTER 410

An act to amend Sections 8753 and 8754 of the Government Code, relating to the California Arts Commission.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8753 of the Government Code is amended to read:

8753. There is in the state government a California Arts Commission. The commission shall be responsible directly to the Governor. The commission shall consist of 15 members appointed by the Governor with the consent of the Senate. The members of the commission shall be broadly representative of all fields of the performing and visual arts and shall be appointed from among private citizens who are widely known for their professional competence and experience in connection with the performing and visual arts. In making these appointments due consideration shall be given to the recommendations made by representatives of civic, educational and professional associations and groups concerned with or engaged in the production or presentation of the performing and visual arts generally. The Governor shall also give consideration to appointing one or two members of the commission who shall be students in the performing or visual arts or have the capability of improving communications with students and young artists.

Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

SEC. 2. Section 8754 of the Government Code is amended to read:

8754. (a) Five members of the commission shall be appointed to serve until July 1, 1964; five members shall be appointed to serve until July 1, 1965; and five members shall be appointed to serve until July 1, 1966. Thereafter, all members shall be appointed for a term of three years. All members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur.

(b) Members of the California Arts Commission shall serve without compensation, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

(c) The commission shall select annually from its membership a chairman and vice chairman.

CHAPTER 411

An act to amend Sections 911.4 and 946.6 of the Government Code, relating to claims against public entities.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 911.4 of the Government Code is amended to read:

911.4. (a) When a claim that is required by Section 911.2 to be presented not later than the 100th day after the accrual of the cause of action is not presented within such time, a written application may be made to the public entity for leave to present such claim.

(b) The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) of this chapter within a reasonable time not to exceed one year after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application. In computing the one-year period under this subdivision, time during which the person who sustained the alleged injury, damage, or loss is a minor shall be counted, but the time during which he is mentally incapacitated and does not have a guardian or a conservator of his person shall not be counted.

SEC. 2. Section 946.6 of the Government Code is amended to read:

946.6. (a) Where an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from the provisions of Section 945.4. The proper court for filing the petition is a court which would be a competent court for the trial of an action on the cause of action to which the claim relates and which is located in a county or judicial district which would be a proper place for the trial of such action, and if the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court.

(b) The petition must show (1) that application was made to the board under Section 911.4 and was denied or deemed denied, (2) the reason for failure to present the claim within the time limit specified in Section 911.2 and (3) the information required by Section 910. The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from the provisions of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed that specified in subdivision (b) of Section

911.4 and was denied or deemed denied pursuant to Section 911.6 and that:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect unless the public entity establishes that it would be prejudiced if the court relieves the petitioner from the provisions of Section 945.4; or

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim; or

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time; or

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing thereof shall be served not less than 10 days before the hearing on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the State Board of Control or its secretary, if the respondent is the state.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from the provisions of Section 945.4, suit on the cause of action to which the claim relates must be filed in such court within 30 days thereafter.

CHAPTER 412

An act to amend Sections 8302 and 8304 of the Fish and Game Code, relating to abalones.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8302 of the Fish and Game Code is amended to read:

8302. Abalones may be taken only for food purposes, except as specifically authorized to be taken for bait purposes. Abalones may be taken for drying purposes pursuant to Section 8306 or 8306.5. Black abalone may not be taken for canning or drying purposes.

SEC. 2. Section 8304 of the Fish and Game Code is amended to read:

8304. It is unlawful to take any abalone, the shell of which, measured in greatest diameter, is less than the following specifications: red abalone, $7\frac{3}{4}$ inches; green abalone, 7 inches; pink abalone and white abalone, $6\frac{1}{4}$ inches; black abalone, 5 inches.

CHAPTER 413

An act to amend Section 8300 of the Fish and Game Code, relating to abalone.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8300 of the Fish and Game Code is amended to read:

8300. Pink abalones (*Haliotis corrugata*), red abalones (*Haliotis rufescens*), black abalones (*Haliotis crakerodie*), and green abalones (*Haliotis fulgens*) shall not be taken during the months of February and August.

CHAPTER 414

An act to add Section 18062 to the Health and Safety Code, relating to mobilehomes.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18062 is added to the Health and Safety Code, to read:

18062. No dealer shall sell any mobilehome which has a width in excess of the maximum width permitted for movement of such mobilehome upon the highways of this state, without a permit issued pursuant to Section 35780 or 35790 of the Vehicle Code, unless he delivers to the purchaser, at or before the transfer of possession thereof, a written and signed statement by the dealer that a permit is required to move such a mobilehome on the highways of this state and indicating that there are certain highways throughout the state for which such permits may not be issued and that information relating to such highways may be obtained from the Division of Highways of the Department of Public Works and from the local enforcement agency of the city, county, or city and county having jurisdiction of such highways. The address of the office of the Division of Highways nearest to the place of business of the dealer shall be specified by the dealer in the statement.

CHAPTER 415

An act to amend Section 51294 of, and to add Sections 51294.1 and 51294.2 to, the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor July 14, 1970. Filed with Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 51294 of the Government Code is amended to read:

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Agriculture. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible on motion of any of the parties in any action otherwise authorized to be brought by the landowner or in any action against him.

SEC. 2. Section 51294.1 is added to the Government Code, to read:

51294.1. After 30 days have elapsed following its action, pursuant to subdivision (b) of Section 51291, advising the Director of Agriculture and the local governing body of a county or city administering an agricultural preserve of its intention to consider the location of a public improvement within such agricultural preserve, a public agency proposing to acquire land within an agricultural preserve for water transmission facilities which will extend into more than one county, may file the proposed route of the facilities with each county or city administering an agricultural preserve into which the facilities will extend and request such county or city to approve or agree to the location of the facilities or the acquisition of the land therefor. Upon such approval or agreement, the provisions of Section 51292 shall not apply to the location of the proposed water transmission facility or the acquisition of land therefor in any county or city which has approved or agreed to such location or acquisition.

SEC. 3. Section 51294.2 is added to the Government Code, to read:

51294.2. If any local governing body administering an agricultural preserve within 90 days after receiving a request pursuant to Section 51294.1 has not approved or agreed to the location of water transmission facilities as provided in Section 51294.1 or in subdivision (a) of Section 51293, the public agency making such request may file an action against such local governing body in the superior court of one of the counties within which any such body has failed to approve the location of facilities or the acquisition of land therefor, to determine whether the public agency proposing the location

or acquisition has complied with the requirements of Section 51292. If the court should so determine, the provisions of Section 51292 shall not apply to the location of water transmission facilities, nor the acquisition of land therefor, in any of the counties into which they shall extend, and no writ of mandamus shall be issued in relation thereto pursuant to Section 51294. For the purposes of this section, the county selected for commencing such action is the proper county for the trial of such proceedings. In determining whether the public agency has complied with the requirements of Section 51292, the court shall consider the alignment, functioning and operation of the entire transmission facility.

Courts shall give any action brought under the provisions of this section preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined.

CHAPTER 416

An act to amend Section 51284 of the Government Code, relating to the California Land Conservation Act of 1965.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 51284 of the Government Code is amended to read:

51284. No contract may be canceled until after the city or county has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code and shall be mailed to each and every owner of land under contract, and any portion of which is situated within the same agricultural preserve and within one mile of the exterior boundary of the land upon which the contract is proposed to be canceled.

CHAPTER 417

An act to add Chapter 3 (commencing with Section 1273.01) to Title 7 of Part 3 of the Code of Civil Procedure and to amend Section 15854 of the Government Code, relating to the acquisition of property for public use.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 1273.01) is added to Title 7 of Part 3 of the Code of Civil Procedure, to read:

**CHAPTER 3. ARBITRATION OF COMPENSATION IN ACQUISITIONS
OF PROPERTY FOR PUBLIC USE**

1273.01. As used in this chapter, "public entity" includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

1273.02. (a) Any person authorized to acquire property for public use may enter into an agreement to arbitrate any controversy as to the compensation to be made in connection with the acquisition of the property.

(b) Where property is already appropriated to a public use, the person authorized to compromise or settle the claim arising from a taking or damaging of such property for another public use may enter into an agreement to arbitrate any controversy as to the compensation to be made in connection with such taking or damaging.

(c) For the purposes of this section, in the case of a public entity, "person" refers to the particular department, officer, commission, board, or governing body authorized to acquire property on behalf of the public entity or to compromise or settle a claim arising from the taking or damaging of the entity's property.

1273.03. (a) Notwithstanding Sections 1283.2 and 1284.2, the party acquiring the property shall pay all of the expenses and fees of the neutral arbitrator and the statutory fees and mileage of all witnesses subpoenaed in the arbitration, together with other expenses of the arbitration incurred or approved by the neutral arbitrator, not including attorney's fees or expert witness fees or other expenses incurred by other parties for their own benefit.

(b) An agreement authorized by this chapter may require that the party acquiring the property pay reasonable attorney's fees, or expert witness fees, or both, to any other party to the arbitration. If the agreement requires the payment of such fees, the amount of the fees is a matter to be determined in the arbitration proceeding unless the agreement prescribes otherwise.

(c) The party acquiring the property may pay the expenses and fees referred to in subdivisions (a) and (b) from funds available for the acquisition of the property or other funds available for the purpose.

1273.04. (a) Except as specifically provided in this chapter, agreements authorized by this chapter are subject to Title 9 (commencing with Section 1280) of this part.

(b) An agreement authorized by this chapter may be made whether or not an eminent domain proceeding has been commenced to acquire the property. If an eminent domain proceeding has been commenced or is commenced, any petition or response relating to the arbitration shall be filed and determined in the eminent domain proceeding.

(c) Notwithstanding Section 1281.4, an agreement authorized by this chapter does not waive or restrict the power of any person to commence and prosecute an eminent domain proceeding, including the taking of possession prior to judgment, except that, upon motion of a party to the eminent domain proceeding, the court shall stay the determination of compensation until any petition for an order to arbitrate is determined and, if arbitration is ordered, until arbitration is had in accordance with the order.

(d) The effect and enforceability of an agreement authorized by this chapter is not defeated or impaired by contention or proof by any party to the agreement that the party acquiring the property pursuant to the agreement lacks the power or capacity to take the property by eminent domain proceedings.

(e) Notwithstanding the rules as to venue provided by Sections 1292 and 1292.2, any petition relating to arbitration authorized by this chapter shall be filed in the superior court in the county in which the property, or any portion of the property, is located.

1273.05. (a) Except as provided in subdivision (b), an agreement authorized by this chapter may specify the terms and conditions under which the party acquiring the property may abandon the acquisition, the arbitration proceeding, and any eminent domain proceeding that may have been, or may be, filed. Unless the agreement provides that the acquisition may not be abandoned, the party acquiring the property may abandon the acquisition, the arbitration proceeding, and any eminent domain proceeding at any time not later than the time for filing and serving a petition or response to vacate an arbitration award under Sections 1288 and 1288.2.

(b) If the proceeding to acquire the property is abandoned after the arbitration agreement is executed, the party from whom the property was to be acquired is entitled to recover (1) all expenses reasonably and necessarily incurred (i) in preparing for the arbitration proceeding and for any judicial proceedings in connection with the acquisition of the property, (ii) during the arbitration proceeding and during any judicial proceedings in connection with the acquisition, and (iii) in any subsequent judicial proceedings in connection with the acquisition and (2) reasonable attorney's fees, appraisal fees, and fees for the services of other experts where such fees were reasonably and necessarily incurred to protect his interests in connection with the acquisition of the property. Unless the agreement otherwise provides, the amount of such expenses and fees shall be determined by arbitration in accordance with the agreement.

1273.06. (a) An agreement authorized by this chapter may be acknowledged and recorded, and rerecorded, in the same manner and with the same effect as a conveyance of real property except that two years after the date the agreement is

recorded, or rerecorded, the record ceases to be notice to any person for any purpose.

(b) In lieu of recording the agreement, there may be recorded a memorandum thereof, executed by the parties to the agreement, containing at least the following information: the names of the parties to the agreement, a description of the property, and a statement that an arbitration agreement affecting such property has been entered into pursuant to this chapter. Such memorandum when acknowledged and recorded, or rerecorded, in the same manner as a conveyance of real property has the same effect as if the agreement itself were recorded or rerecorded.

Sec. 2. Section 15854 of the Government Code is amended to read:

15854. Property shall be acquired pursuant to this part by condemnation in the manner provided for in Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure, and all money paid from any appropriation made pursuant to this part shall be expended only in accordance with a judgment in condemnation or with a verdict of the jury or determination by the trial court fixing the amount of compensation to be paid. This requirement shall not apply to any of the following:

(a) Any acquisitions from the federal government or its agencies.

(b) Any acquisitions from the University of California or other state agencies.

(c) The acquisitions of parcels of property, or lesser estates or interests therein, for less than five thousand dollars (\$5,000), unless part of an area made up of more than one parcel which in total would cost more than five thousand dollars (\$5,000) which the board by resolution exempts from this requirement.

(d) Any acquisition as to which the owner and the state have agreed to the price and the State Public Works Board by unanimous vote determines that such price is fair and reasonable and acquisition by condemnation is not necessary.

(e) Any acquisition as to which the owner and the State Public Works Board have agreed to arbitrate the amount of the compensation to be paid in accordance with Chapter 3 (commencing with Section 1273.01) of Title 7 of Part 3 of the Code of Civil Procedure.

CHAPTER 418

An act to add Section 74372 to the Government Code, relating to court attachés, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 74372 is added to the Government Code, to read:

74372. Notwithstanding any other provision of law, any person serving as a captain in the marshal's office who is a safety member of the retirement system and whose primary duties are administrative, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act must take effect immediately in order for the benefits of this act to be operative during most of this year.

CHAPTER 419

An act relating to the Meadows Union School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1970. Filed with
Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The election held on June 2, 1970, to increase the maximum tax rate of the Meadows Union School District is hereby declared to be null and void. The Meadows Union School District may order an election to increase the maximum tax rate of the district on July 21, 1970. The governing board of the Meadows Union School District shall deliver to the county superintendent of schools the order of election and resolution required by Section 1323 of the Education Code but such order and resolution shall be delivered within 30 days prior to such election rather than 80 days as required by Section 1323.

SEC. 2. The Legislature finds and declares that the special circumstances existing in the Meadows Union School District requires this special act and that a general one cannot be made applicable. Such special circumstance include the fact that in the election held on June 2, 1970, to increase the maximum tax rate, several errors were made with respect to the ballots, and so there is grave doubt as to whether or not the results reflect the will of the people of the district.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit an election to increase the maximum tax rate to be held in the Meadows Union School District on July 21, 1970, and in order that the district may be better able to plan its financial operations, it is necessary that this act take effect immediately.

CHAPTER 420

An act to amend the headings of Part 3 (commencing with Section 4600), and Chapter 1 (commencing with Section 4600) of Part 3, of Division 5 of, to amend Sections 4600, 4605, and 4614.11 of, and to add Section 4602.5 to, the Health and Safety Code, relating to community facilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1970. Filed with Secretary of State July 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 3 (commencing with Section 4600) of Division 5 of the Health and Safety Code is amended to read:

PART 3. COMMUNITY FACILITIES

SEC. 2. The heading of Chapter 1 (commencing with Section 4600) of Part 3 of Division 5 of the Health and Safety Code is amended to read:

CHAPTER 1. COMMUNITY FACILITIES LAW OF 1911

SEC. 3. Section 4600 of the Health and Safety Code is amended to read:

4600. This chapter shall be known as the Community Facilities Law of 1911.

SEC. 4. Section 4602.5 is added to the Health and Safety Code, to read:

4602.5. In cities within a county of the 19th class as defined in Section 28040 of the Government Code, improvement shall also mean the acquisition, construction, maintenance, and operation of any public buildings which would serve as a community center facility, including, but not limited to, an exhibition building, an auditorium, a stadium, and a sports arena; and the acquisition and improvement of any land, rights-of-way, rights of use, or other property needed for any of the improvements described in this section, or for offstreet parking facilities therefor.

For the purposes of this section, at the hearing held pursuant to Section 4611, the governing body may exclude from the proposed district any territory the inhabitants of which would not be benefited by the proposed improvement as finally determined.

SEC. 5. Section 4605 of the Health and Safety Code is amended to read:

4605. The governing body of any city may create an improvement district within the city pursuant to this chapter whenever in its judgment the district is necessary or convenient for any improvement authorized by this chapter.

SEC. 6. Section 4614.11 of the Health and Safety Code is amended to read:

4614.11. Upon the formation of any district pursuant to this article, the district shall be governed by and under the jurisdiction of the governing body of the initiating city. The governing body of the initiating city may conduct all of the affairs of the district, call and hold bond elections in the district, construct all improvements in the district, cause taxes to be levied and collected upon all taxable property in the district, and pass such necessary legislation as may be required for such improvements, with the same force and effect as though all of the area in the district were included within the boundaries of the initiating city.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This is a special situation in Stanislaus County. The citizens of the county desire to construct a community center facility. The immediate need is to start the proceedings in time for the bond election to be consolidated with the 1970 general election in November. This act is limited to Stanislaus County and cities in that county because of the special and unique situation that has developed in such county and because there is no general law under which the purposes of this act can be accomplished.

CHAPTER 421

An act to add Article 3 (commencing with Section 1480) to Chapter 2.5, Division 2 of the Health and Safety Code, relating to paramedics, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1970. Filed with
Secretary of State July 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 1480) is added to Chapter 2.5, Division 2 of the Health and Safety Code, to read:

Article 3. Mobile Intensive Care Paramedics

1480. Any hospital operated by, or contracting with, a county with a population of over 6,000,000 may conduct a pilot

program utilizing mobile intensive care paramedics for the delivery of emergency medical care to the sick and injured at the scene of an emergency and during transport to a hospital, while in the hospital emergency department, and until care responsibility is assumed by the regular hospital staff.

1481. (a) As used in this article "mobile intensive care paramedics" means personnel who have been specially trained in emergency cardiac and noncardiac care in a training program certified by the county health officer or the director of hospitals designated by the board of supervisors, and who are certified by the officer as qualified to render the services enumerated in this article.

(b) As used in this article "mobile intensive care nurse" means a registered nurse who has been certified by a county officer designated by the board of supervisors as qualified in emergency cardiac care.

1482. Notwithstanding any other provision of law mobile intensive care paramedics may do any of the following:

(1) Render rescue, first-aid and resuscitation services.

(2) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse.

(3) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient.

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a certified mobile intensive care nurse where authorized by a physician, and direct communication is maintained, may upon order of such physician or such nurse do any of the following:

(a) Administer intravenous saline or glucose solutions.

(b) Perform gastric suction by intubation.

(c) Administer parenteral injections of any of the following classes of drugs:

(i) Antiarrhythmic agents.

(ii) Vagolytic agents.

(iii) Chronotropic agents.

(iv) Analgesic agents.

(v) Alkalinizing agents.

(vi) Vasopressor agents.

1483. No physician or nurse, who in good faith gives emergency instructions to a paramedic at the scene of an emergency, shall be liable for any civil damages as a result of issuing the instructions.

1484. This article shall remain in effect only until the 91st day after final adjournment of the 1972 Regular Session of the Legislature, and shall have no force or effect after that date.

1485. This article shall be known and may be cited as the Wedworth-Townsend Paramedic Act.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: There is a critical shortage of professionally trained medical and nursing personnel for the delivery of fast, efficient emergency medical care for the sick and injured at the scene and during transport to a health care facility. Improved emergency service is required to reduce the mortality rate during the first critical minutes immediately following an accident, or the onset of a serious physical condition such as an acute myocardial infarction. Pilot projects of the type provided for in this act are required in order to develop and evaluate a program for the provision of the best and most economical delivery of emergency medical care.

CHAPTER 422

An act to amend Sections 24408, 24608, 25100, 25106, 25251, 25351, 25500, and 25950 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24408 of the Vehicle Code is amended to read:

24408. (a) Every new motor vehicle registered in this state after January 1, 1940, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

(b) The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Any such lamp on the exterior of the vehicle shall have a light source not exceeding two candlepower, and the light shall not show to the front or sides of the vehicle.

SEC. 2. Section 24608 of the Vehicle Code is amended to read:

24608. (a) Motortrucks, trailers, semitrailers, and buses 80 or more inches in width manufactured on or after January 1, 1968, shall be equipped with an amber reflector on each side at the front and a red reflector on each side at the rear. Any vehicle may be so equipped.

(b) Motortrucks, trailers, semitrailers, housecars, and buses 80 or more inches in width and 30 or more feet in length manufactured on or after January 1, 1968, shall be equipped with an amber reflector mounted on each side at the approximate midpoint of the vehicle. Any such vehicle manufactured prior to January 1, 1968, may be so equipped.

(c) Reflectors on the sides of vehicles shall be mounted not lower than 15 inches nor higher than 60 inches.

(d) Reflectors required or permitted in subdivisions (a) and (b) shall be so maintained as to be plainly visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful upper headlamp beams.

(e) Area reflectorizing material may be used in lieu of the reflectors required or permitted in subdivisions (a) and (b), provided each installation is of sufficient size to meet the photometric requirement for such reflectors.

SEC. 3. Section 25100 of the Vehicle Code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962. Any such vehicle manufactured and first registered prior to January 1, 1962, may be so equipped.

(4) At least one amber side-marker lamp mounted at approximate midpoint of housecars, motortrucks and buses 30 or more feet in length and manufactured on or after January 1, 1969. Any such vehicle manufactured prior to January 1, 1969, may be so equipped.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Truck tractors manufactured on or after January 1, 1969, shall be equipped with one amber side-marker lamp on each side near the front.

(3) Pole or pipe dollies, or logging dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(4) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(5) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(6) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(7) Trailers and semitrailers designed for transporting single boats in a cradle-type mounting and for launching the boat from the rear of the trailer need not be equipped with front and rear clearance lamps provided amber clearance lamps showing to the front and red clearance lamps showing to the rear are located on each side at or near the midpoint between the front and rear of the trailer to indicate the extreme width of the trailer.

(c) Loads extending beyond the side of a vehicle where the overall width of the vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies or on passenger vehicles other than a house-car.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle.

(f) Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks may be mounted on the front of the bed if it extends beyond the side of the cab. Rear clearance lamps may be mounted at any height on vehicles equipped with rear identification lamps as provided in subdivision (b) of Section 25351 when the rear identification lamps are mounted at the extreme height. Side-marker lamps shall be mounted not lower than 15 inches on vehicles manufactured on and after January 1, 1968. Combination clearance and side-marker lamps required on loads shall be mounted so the lenses project to the outer extremity of the vehicle or load.

SEC. 3.5. Section 25106 of the Vehicle Code is amended to read:

25106. Any motor vehicle may be equipped with not more than two lighted white or amber cowl or fender lamps on the front. Any vehicle may be equipped with not more than one amber side lamp on each side near the front, nor more than one red side lamp on each side near the rear. The light source of each such lamp shall not exceed four standard candlepower.

SEC. 4. Section 25251 of the Vehicle Code is amended to read:

25251. Flashing lights are permitted on vehicles as follows:

(a) To indicate an intention to turn or move to the right or left upon a roadway, turn signal lamps and turn signal exterior pilot indicator lamps and side lamps permitted under Section 25106 may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) When disabled upon the roadway or when disabled or parked off the roadway but within 10 feet thereof, turn signal lamps may be flashed as warning lights provided the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(c) For use on authorized emergency vehicles.

SEC. 5. Section 25351 of the Vehicle Code is amended to read:

25351. (a) A commercial vehicle and, except as provided in subdivision (d), any other vehicle 80 or more inches in width may be equipped with not more than three identification lamps mounted in a row on the front or rear, which lamps shall not exceed three inches in diameter, and which shall be equipped with bulbs not in excess of six candlepower. No part of any such lamps or their mountings on the front of a motor vehicle shall extend below the top of the windshield.

(b) Identification lamps on such vehicles manufactured prior to January 1, 1968, may exhibit either amber, green, or white light to the front and red light to the rear.

(c) Identification lamps on such vehicles manufactured on or after January 1, 1968, may exhibit only amber light to the front and red light to the rear and shall be installed as close as practicable to the vertical centerline in a horizontal row with centers not less than 6 inches nor more than 12 inches apart.

(d) Identification lamps are not permitted on passenger vehicles, except housecars, regardless of width.

SEC. 6. Section 25500 of the Vehicle Code is amended to read:

25500. Area reflectorizing material may be displayed on any vehicle, provided: the color red is not displayed on the front; designs do not tend to distort the length or width of the vehicle; and designs do not resemble official traffic control devices, except that alternate striping resembling a barricade pattern may be used.

No vehicle shall be equipped with area reflectorizing material contrary to these provisions.

SEC. 7. Section 25950 of the Vehicle Code is amended to read:

25950. Unless provided otherwise, the color of lamps and reflectors upon a vehicle shall be as follows:

(a) All lamps and reflectors visible from in front of a vehicle shall be white or amber, except that rear side-marker lamps required by Section 25100 may show red to the front.

(b) All lamps and reflectors visible from the rear of a vehicle shall be red, except that stop lamps, turn signal lamps and front side-marker lamps required by Section 25100 may show amber to the rear.

This section applies to the color of a lamp whether lighted or unlighted, and to any reflector exhibiting or reflecting perceptible light of 0.05 candlepower or more per foot-candle of incident illumination, except that taillamps, stoplamps, and turn signal lamps visible to the rear may be white when unlighted.

CHAPTER 423

An act to amend Sections 14110 and 14111 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14110 of the Vehicle Code is amended to read:

14110. The director, or an employee at or above the level of assistant division chief of the Department of Motor Vehicles designated by the director to act on his behalf, following a formal hearing, upon review of the records, evidence, and of the findings, if any, shall render his decision concerning the refusal to issue or renew a driver's license, the imposing of terms or conditions of probation, or concerning the suspension or revocation of the privilege of operating a motor vehicle, or in those cases in which an action has been previously taken by the department, the director, or his designee shall render his decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to issue a license or the order imposing terms or conditions of probation, or he may set aside the prior action of the department and direct that probation be granted to the applicant or licensee and fix the terms and conditions of the probation.

SEC. 2. Section 14111 of the Vehicle Code is amended to read:

14111. The decision of the director, or his designee, following any formal hearing shall be effective on notice. The decision shall not be subject to modification for a period of one year thereafter except where the cause for which the action was taken has been removed.

CHAPTER 424

An act to amend Section 27459 of the Vehicle Code, relating to tire chains.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27459 of the Vehicle Code is amended to read:

27459. No person shall operate any motor vehicle, trailer or semitrailer upon any portion of a highway without tire chains when such portion of the highway is signed for the requirement of such chains. In any case where a passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less may be required by the Department of Public Works or local authorities to be equipped with tire chains such chains must be placed on at least two drive wheels or, the department or local authorities may provide, in the alternative, that the vehicle may be equipped with snow-tread tires on at least two drive wheels except that such tires shall not be used on icy surfaces, and except that such tires shall not be used in any event unless the weather and surface conditions at the time are such that the stopping, tractive and cornering abilities of the tires are adequate. The snow-tread tires shall be of a type and design manufactured for use on ice and snow as a replacement for tire chains and shall be in good condition.

CHAPTER 425

An act to amend Section 22100 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22100 of the Vehicle Code is amended to read:

22100. Except as provided in Section 22101, the driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right Turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway, except as provided in subdivision (b).

(b) Right Turns From a One-Way Roadway. The driver of a vehicle intending to turn right from a one-way roadway at an intersection shall approach the intersection as close as practicable to the right-hand curb or edge of the roadway and

may complete the turn in any lane lawfully available to traffic moving in such direction upon the roadway being entered.

(c) Left Turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection as close as practicable to the left-hand edge of the extreme left-hand lane or portion of the roadway lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) Upon a highway having three marked lanes for traffic moving in one direction which terminates at an intersecting highway accommodating traffic in both directions, the driver of a vehicle in the middle lane may turn right or left onto the intersecting roadway.

CHAPTER 426

An act to codify various statutes by adding Chapter 5 (commencing with Section 16800) to Part 3 of Division 4 of Title 2 of the Government Code, relating to state indebtedness.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 16800) is added to Part 3 of Division 4 of Title 2 of the Government Code, to read:

CHAPTER 5. STATE INDEBTEDNESS

16800. In 1962 the electorate repealed Sections 2, 3, 4, 4½, 5, 6, 8, 8½, 15, 16, 16.5, 17, 18, 19, 19.5, 20, and 21 of Article XVI of the Constitution and continued such provisions as statutes. Such provisions authorized the issuance of certain state bonds which have been issued and many of which are not yet fully retired. The provisions have been codified in this chapter without change in order that the provisions will be available in the Government Code for ready reference by interested persons and no substantive change in the law is intended by the Legislature.

16801. Immediately upon the adoption of this section the State Treasurer shall prepare 40,000 suitable bonds of the State of California in the denomination of one thousand dollars (\$1,000) each, to be numbered from 1 to 40,000 inclusive, to bear a date not later than 30 days after said adoption and to bear interest at the rate of 4½ percent per annum from the date of said bonds, said interest to be payable on the third day of January and the third day of July of each and every year after the sale of said bonds, and said

bonds to become due and payable in annual parcels of one thousand bonds, commencing July 3, 1926, and ending July 3, 1965.

The provisions of the act of the Legislature approved May 20, 1915, known as the "State Highways Act of 1915," relative to the signing, countersigning, endorsing and sealing of the bonds therein provided for and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and officers of their respective duties in connection therewith as therein stated, and all other provisions, terms and conditions in said last-named act relating to the bonds therein mentioned, so far as the same shall be pertinent, shall be applicable to the preparation, issuance and sale of the bonds herein provided for, as herein contemplated.

Funds corresponding to those provided for in said act are hereby created, and payments into and out of the same shall be made as in said act provided, said funds to be designated respectively, "Third State Highway Fund," "Third State Highway Interest and Sinking Fund," "Third State Highway Revolving Fund," and "Third State Highway Sinking Fund"; and the State Treasurer shall on the first day of January, 1920, and on the first day of each July and the first day of each January thereafter transfer from the General Fund to the "Third State Highway Interest and Sinking Fund," and on the first day of July, 1926, and on the first day of July of each year thereafter, from the General Fund to the "Third State Highway Sinking Fund," the required moneys as provided in Section 5 of said act for the purposes therein stated but as applicable only to the bonds herein provided for and the interest thereon.

The moneys in said "Third State Highway Fund" shall be used by the State Department of Engineering for the acquisition of rights-of-way for and the acquisition, construction and improvement of uncompleted portions of the system of state highways prescribed by the act of the Legislature approved May 22, 1909, known as the "State Highways Act," and the act of the Legislature approved May 20, 1915, and known as the "State Highways Act of 1915," and certain extensions thereof described in said last-named act, and also for the acquisition of the rights-of-way for and the acquisition, construction and improvement of the following additional highways as state highways: Barstow to Needles; Oxnard to San Juan Capistrano; Barstow to Mojave; Santa Maria to Bakersfield; Skyline Boulevard San Francisco to Santa Cruz; Rio Vista to Fairfield; Auburn to Verdi; Ukiah to Tahoe City; Crescent City to Oregon line; Santa Rosa to Shellville; Big Pine to Oasis; Placerville to Sportsman's Hall; Feather River route Oroville to Quincy; General Grant National Park to Kings River Canyon; Calistoga to Lower Lake; Mecca to Blythe; Rumsey to Lower Lake; Azusa to Pine Flats in San

Gabriel Canyon; La Canada via Arroyo Seco to Mount Wilson Road; Lancaster to Bailey's; Bakersfield via Walker's Pass to Freeman; McDonald's to the mouth of the Navarro River; Carmel to San Simeon; Klamath River state highway bridge to Coast State Highway; Susanville to Nevada state line; Pacheco Pass Road into Hollister; Visalia to Sequoia Park line; Deep Creek easterly via Bear Valley Dam to the county road at Metcalf Creek in the Angeles National Forest; Orland to Chico; Tiburon to Alto; and county line near Michigan Bar via Huot's Ranch to Drytown. Said additional highways to be located on the most direct and practical routes; provided, however, that twenty million dollars (\$20,000,000) of the moneys in said "Third State Highway Fund," or so much of said twenty million dollars (\$20,000,000) as shall be necessary, shall be used for the completion of all of the system of state highways contemplated and provided for in said "State Highways Act" and in said "State Highways Act of 1915," and the extensions thereof specified in said last-named act.

The cost of acquisition and construction of the several extensions described in said "State Highways Act of 1915" shall hereafter be entirely borne by the State of California, it being the intention hereof to relieve the several counties from any further cooperation as contemplated by said "State Highways Act of 1915," but nothing herein shall prevent any county from contributing towards the cost of said extensions or of any other state highways at its option to such extent as it may desire under the provisions of any existing laws.

All provisions of Section 8 of said "State Highways Act of 1915," and of any amendment thereof, and any provisions of said act or of any amendment thereof, relating to the selection of routes, character of construction of highways, manner of conducting work thereon, powers and duties of officers in connection therewith, adoption of public highways as state highways, payment of principal and interest on any bonds and appropriation of money for payment thereof, and the keeping of records and making of statements and reports, and all provisions of Section 8 of the "State Highways Act," as amended May 19, 1915, and of Section 8 of the "State Highways Act of 1915," and of any amendment of either thereof, relating to the payment by counties of money for interest upon any bonds and the relief of counties from such payment, shall, so far as applicable, apply to the bonds herein authorized and all highways constructed hereunder.

All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action; and all expenses that shall be incurred by the State Treasurer in the preparation of bonds herein provided for and in the advertising and sale thereof and all expenses incurred by any officer in reference thereto shall be paid from the General Fund of

the state. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

16802. There is hereby created a State Highway Finance Board composed of the Governor, State Controller, State Treasurer, Chairman of the State Board of Control and Chairman of the California Highway Commission, all of whom shall serve thereon without compensation and a majority of whom shall be empowered to act for said board. All of the 40,000 bonds and authorized by Section 2 of Article XVI of this Constitution which shall have heretofore been sold shall be and constitute valid obligations of this state. All of said 40,000 bonds which shall remain unsold at the time of the adoption of this section shall be canceled and destroyed by the State Treasurer, and in lieu thereof bonds in the same amount shall be prepared and sold as hereinafter stated. Said State Highway Finance Board shall from time to time, so long as the bonds herein authorized remain unsold, determine when the same or any part thereof shall be sold, the number to be sold, the dates which the bonds so to be sold shall bear, and the interest rate thereon, which rate shall be fixed by said board according to the then prevailing market conditions but shall at no time exceed 6 percent per annum, and the determination of said board as to the rate of interest shall be conclusive as to the then prevailing market conditions. When requested by said board the State Treasurer shall prepare such number of bonds, so dated and bearing such interest rate thereon, all as so determined by said board, said bonds as to maturity dates thereof, form, place and method of payment of principal and interest thereon, and in all other particulars, being the same as authorized by said Section 2 of Article XVI, and as though the bonds herein authorized were the balance of said 40,000 bonds remaining unsold, and when so prepared said bonds shall be signed, countersigned, endorsed, sealed, sold and delivered, all as provided with respect to the bonds authorized by said Section 2 of Article XVI, but by the respective officers in office at the time such acts are required to be done. In the event that any bonds prepared as herein provided cannot in the judgment of said State Highway Finance Board be sold at the time fixed for the sale thereof or thereafter, said board may withdraw said bonds from sale and direct the State Treasurer to cancel and destroy the same, and may at said time or thereafter, at its option, direct the preparation and sale as hereinbefore provided, of the same or a different number of bonds, but not to exceed in all the amount herein authorized, and at the same or a different rate of interest but not to exceed 6 percent per annum. All of the provisions of said Section 2 of Article XVI, except those relating to the number of the bonds therein authorized, the date thereof and interest rate thereon, and except as herein otherwise provided, shall apply to and govern the bonds herein authorized, the use of the proceeds therefrom, and the several funds to be created and payments to be made into and out of

the same, and in all respects said bonds herein authorized and the moneys derived from the sale thereof shall be governed and dealt with in the same manner, except as herein otherwise provided, as though the bonds herein authorized were the unsold portion of the 40,000 bonds authorized by said Section 2 of Article XVI.

Section 8 of the "State Highways Act" of 1909 as amended and approved by the electors November 7, 1916, Section 8 of the "State Highways Act" of 1915, Section 2 of Article XVI of the Constitution, and this section, to the extent that the provisions of any of said sections require the payment into the State Treasury by the several counties of sums of money equal to the interest upon any money expended from the proceeds of the bonds issued under said acts and constitutional provisions respectively within those counties in the construction of state highways, shall on and after July 1, 1921, have no further force or effect; it being the intent of this provision that on and after said date the interest upon all bonds issued by the state for highway construction shall be paid exclusively by the state and that the counties shall thereafter be relieved from any obligation now or heretofore imposed to pay into the State Treasury any money by reason of any expenditures for previous or subsequent highway construction in said counties; but nothing in this section contained shall be construed to exempt or relieve any county from the payment into the State Treasury of any money due from it prior to said date under any of said provisions of any of said sections.

All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action; and all expenses that shall be incurred by the State Treasurer in the preparation of bonds herein provided for and in the advertising and sale thereof and all expenses incurred by any officer in reference thereto shall be paid from the General Fund of the state. Nothing in this Constitution contained, except as in this section provided, shall be a limitation upon the provisions of this section.

16803. The issuance and sale of 8,500 bonds of the State of California in the denomination of one thousand dollars (\$1,000) each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the California State Buildings and State University Buildings Bonds Act of 1925, as passed by the Senate and Assembly at the Forty-sixth Session of the Legislature and approved by the Governor, authorizing the issuance and sale of state bonds in the sum of eight million five hundred thousand dollars (\$8,500,000) for the purpose of providing a fund for the completion and equipment of state buildings at Sacramento, for the erection and equipment of a state building at Los Angeles, for the erection and equipment of a building or buildings for the University of California at Berkeley, and for the erection and equipment of a building or buildings for the University of California at

Los Angeles, is hereby authorized and directed, and the said California State Buildings and State University Buildings Bonds Act of 1925 is hereby approved, adopted, legalized, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

16804. The issuance and sale of bonds of the State of California in the sum of two hundred million dollars (\$200,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the State Construction Program Bond Act of 1955 authorizing the issuance and sale of bonds for the purpose of providing a fund to be used to carry out the state construction program contemplated by that act, is hereby authorized and directed, and the State Construction Program Bond Act of 1955 is hereby approved, adopted, legalized, validated and made fully and completely effective; provided, that from the proceeds of the sale of said bonds, the sum of not less than sixty million dollars (\$60,000,000) shall be available for expenditure for major building construction, equipment and site acquisition for state colleges now or hereafter established. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the State Construction Program Bond Act of 1955 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the construction program generally described therein.

16805. The issuance and sale of one thousand bonds of the State of California in the denomination of one thousand dollars each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the California Olympiad Bonds Act of 1927 as passed by the Senate and Assembly at the Forty-seventh Session of the Legislature and approved by the Governor, authorizing the issuance and sale of state bonds in the sum of one million dollars (\$1,000,000) for the purpose of providing a fund to be used and disbursed for the purpose of an Olympiad to be held in California in 1932, is hereby authorized and directed and the said California Olympiad Bond Act of 1927 is hereby approved, adopted, legalized, ratified, validated and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

16806. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of one hundred million dollars (\$100,000,000), and the use and disposition of

the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1949 (Article 5B added to Chapter 6 of Division 4 of the Military and Veterans Code by Chapter 1267 of the Statutes of 1949) authorizing the issuance and sale of state bonds in the sum of one hundred million dollars (\$100,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1949 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

16807. The issuance and sale of 10,000 bonds of the State of California in the denomination of one thousand dollars (\$1,000) each, and the use and disposition of the proceeds of the sale of said bonds, all as provided in the San Francisco Harbor Improvement Act of 1929, as passed by the Senate and Assembly at the Forty-eighth Session of the Legislature and approved by the Governor, authorizing the issuance and sale of state bonds in the sum of ten million dollars (\$10,000,000) for the purpose of providing a fund for the construction in San Francisco Harbor of wharves, piers, seawalls, state railroad, spurs, betterments and appurtenances and for necessary dredging and filling in connection therewith and providing for the payment of the principal and interest of said bonds by the State Treasurer from revenues collected for dockage, tolls, rents, wharfage, crantage, demurrage, switching and any and all collections now or hereafter authorized by law paid into the Fourth San Francisco Seawall Sinking Fund, is hereby authorized and the said San Francisco Harbor Improvement Act of 1929 is hereby approved, adopted, legalized, validated, and made fully and completely effective. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this section contained shall be a limitation upon the provisions of this section.

16808. The issuance and sale of bonds of the State of California in the sum of sixty million dollars (\$60,000,000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Harbor Development Bond Law of 1958 authorizing the issuance and sale of bonds for the purpose of providing funds for the construction, improvement, and development of harbors in this state, is hereby authorized and directed, and the Harbor Development Bond Law of 1958 is hereby approved, adopted, legalized, validated

and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the Harbor Development Bond Law of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the purposes generally described therein.

16809. Bonds of the State of California shall be prepared, issued, and sold in the amount of two hundred fifty million dollars (\$250,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) To provide loans and grants to the several school districts of the State, subject to such legislation, rules, or regulations as the Legislature may, from time to time, determine.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency, and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary and adequate school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

16810. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of one hundred fifty million dollars (\$150,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1951 (Article 5C added to

Chapter 6 of Division 4 of the Military and Veterans Code by Chapter 1086 of the Statutes of 1951) authorizing the issuance and sale of state bonds in the sum of one hundred fifty million dollars (\$150,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and of all acts amendatory thereof and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1951 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

16811. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred eighty-five million dollars (\$185,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) To provide loans and grants to the several school districts of the State, subject to such legislation, rules, or regulations as the Legislature may, from time to time determine.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

(c) To repay, as provided by law, the money appropriated from the General Fund at the 1952 Second Extraordinary Session for state school building aid.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency, and in that event, notwithstanding any other provision of this Constitution. Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section to repay such money to the state on such terms and in such amounts as may be within the ability of the district to repay.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary and adequate school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state

16812. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred million dollars (\$100,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the state for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board

shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section to repay such money to the state on such terms and in such amounts as may be within the ability of the district to repay.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

16813. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred million dollars (\$100,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the state for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts for assistance in providing necessary housing and equipment for the education of physically handicapped minors and mentally retarded minors as those terms are defined in Chapters 9 and 11 of Division 4 of the Education Code.

(c) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the

total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the state on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the state on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

16814. Bonds of the State of California shall be prepared, issued, and sold in the amount of two hundred twenty million dollars (\$220,000 000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the state for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts for assistance in providing necessary housing and equipment for the education of physically handicapped minors and mentally retarded minors as those terms are defined in Chapters 9 and 11 of Division 4 of the Education Code.

(c) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in ad-

ministering and directing the expenditure of the moneys realized from the sale of such bonds.

(d) To repay, as provided by law, any money appropriated from the Investment Fund at the 1958 First Extraordinary Session for state school building aid.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the state on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the state on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

16815. The issuance and sale of bonds of the State of California in the sum of two hundred million dollars (\$200,000.

000) and the use and disposition of the proceeds of the sale of said bonds, all as provided in the State Construction Program Bond Act of 1958 authorizing the issuance and sale of bonds for the purpose of providing a fund to be used to carry out the state construction program contemplated by that act, is hereby authorized and directed, and the State Construction Program Bond Act of 1958 is hereby approved, adopted, legalized, validated and made fully and completely effective. Nothing in this Constitution shall invalidate or restrict the provisions of this section, nor shall this section prevent amendments to the State Construction Program Bond Act of 1958 which are germane to the subject thereof; provided, such amendments do not increase the sum of the bonds herein authorized to be issued and sold nor utilize the proceeds thereof for purposes not related to the construction program generally described therein.

16816. Bonds of the State of California shall be prepared, issued, and sold in the amount of three hundred million dollars (\$300,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used :

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the state for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts for assistance in providing necessary housing and equipment for the education of physically handicapped minors and mentally retarded minors as those terms are defined in Chapters 8 and 9 of Division 6 of the Education Code.

(c) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

(d) To repay, as provided by law, any money appropriated from the General Fund at the 1960 First Extraordinary Session for state school building aid.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money

so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocation Board or a similar agency. Notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board concerning this section or any other section of the Constitution or legislative act authorizing the allocation of funds to school districts for purposes the same or substantially the same as those enumerated in this section.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (a) of this section to repay such money to the state on such terms and in such amounts as may be within the ability of the district to repay.

The Legislature may require each district receiving an allocation of money from the sale of bonds pursuant to this section for the purposes prescribed in subdivision (b) of this section to repay such money to the state on such terms and in such amounts as the Legislature deems proper.

The people of the State of California in adopting this section hereby declare that it is in the interests of the state and of the people thereof for the state to aid school districts of the state in providing necessary school sites and buildings for the pupils of the public school system, such system being a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

16817. The issuance and sale of bonds of the State of California, not exceeding in the aggregate the sum of four hundred million dollars (\$400,000,000), and the use and disposition of the proceeds of the sale of said bonds, all as provided in the Veterans Bond Act of 1960 (Article 5h of Chapter 6 of Division 4 of the Military and Veterans Code) authorizing the issuance and sale of state bonds in the sum of four hundred million dollars (\$400,000,000) for the purpose of providing a fund to be used and disbursed to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943, and all acts amendatory and supplemental thereto are hereby authorized and directed and said Veterans Bond Act of 1960 is hereby approved, adopted, legalized, ratified, validated, and made fully and completely effective upon the effective date of this amendment

to the Constitution. All provisions of this section shall be self-executing and shall not require any legislative action in furtherance thereof, but this shall not prevent such legislative action. Nothing in this Constitution contained shall be a limitation upon the provisions of this section.

CHAPTER 427

An act to amend Section 22660 of the Vehicle Code, relating to abandoned vehicles.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22660 of the Vehicle Code is amended to read:

22660. Notwithstanding any other provision of law, a city, county, or city and county may adopt an ordinance establishing procedures for the abatement and removal, as public nuisances, of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof from private property or public property, not including highways, and recovery, pursuant to Sections 25845 or 38773.5 of the Government Code, or assumption by the local agency, of costs of administration and removal thereof; provided, however, that any such ordinance shall contain provisions:

(a) Requiring notice to be given to the Department of Motor Vehicles within five days after the date of removal identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, registration certificates of title or license plates.

(b) That the ordinance shall not apply to (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(c) For administration of the ordinance by regularly salaried, full-time employees of the city, county, or city and county, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

(d) Requiring not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance. Such notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall in-

clude notice to the property owner that he may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(e) Requiring a public hearing to be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which such vehicle was located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle. If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such time period, this statement shall be construed as a request for hearing which does not require the presence of the owner submitting such request. If such a request is not received within such period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(f) That after a vehicle has been removed, it shall not be reconstructed or made operable.

(g) That the owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from such owner.

Vehicles or parts thereof may be disposed of by removal to a scrapyard, automobile dismantler's yard, or any suitable site operated by a local agency for processing as scrap, or other final disposition consistent with subdivision (f). A local agency may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the local agency may transfer such vehicle or parts to another provided such disposal shall be only as scrap.

Any person authorized by the city, county, or city and county, to administer the provisions of an ordinance of the

type authorized by this section may enter upon private property for the purposes specified in the ordinance to examine vehicle or parts thereof, obtain information as to the identity of vehicle and to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to ordinances.

Licensed dismantlers or commercial enterprises acquiring vehicles removed pursuant to said ordinance shall be excused from the reporting requirements of Section 11520 of the Vehicle Code and any fees and penalties which would otherwise be due the Department of Motor Vehicle are hereby waived, provided that a copy of the resolution or order authorizing disposition of the vehicle is retained in the dismantlers' or commercial enterprises' business records.

CHAPTER 428

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid to highways.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of Title 23, United States Code, as amended and supplemented, other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the government of the United States. All work done under the provisions of Title 23 or said other acts of Congress relative to highways shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws, rules, or regulations of this state inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency.

Any major conflicts between the laws, rules, or regulations of this state and such federal law, rules, and regulations which have been resolved under this section during a calendar year shall be described in a report which the department shall submit to the Legislature no later than January 30th of the succeeding calendar year.

SEC. 2. This act is a reenactment of Section 820 of the Streets and Highways Code for the purpose of stating the assent of the State of California to the provisions of the applicable federal statutes, rules and regulations.

CHAPTER 429

An act to amend Section 256 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 256 of the Streets and Highways Code is amended to read:

256. The department shall review the California freeway and expressway system and the entire state highway system, and shall report to the Legislature at or prior to the 1972 Regular Session, at or prior to the 1975 Regular Session, and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution, as to the progress made in developing the systems and as to revisions that should be made in the systems. Such studies shall be made without regard to whether particular routes are included in either system. If provision is made by an interim committee or committees of the Legislature for an advisory committee of local officials to work with the department in connection with such studies, the department shall cooperate with such an advisory committee to the fullest extent.

CHAPTER 430

An act to amend Section 554 of the Penal Code, relating to property.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 554 of the Penal Code is amended to read:

554. Any property, except that portion of such property to which the general public is accorded access, may be posted against trespassing and loitering in the manner provided in Section 554.1, and thereby become posted property subject to the provisions of this article applicable to posted property, if such property consists of, or is used, or is designed to be used, for any one or more of the following:

(a) An oil well, oil field, tank farm, refinery, compressor plant, absorption plant, bulk plant, marine terminal, pipeline, pipeline pumping station, or reservoir, or any other plant, structure, or works, used for the production, extraction, treatment, handling, storage, or transportation, of oil, gas, gasoline, petroleum, or any product or products thereof.

(b) A gas plant, gas storage station, gas meter, gas valve, or regulator station, gas odorant station, gas pipeline, or appurtenances, or any other property used in the transmission or distribution of gas.

(c) A reservoir, dam, generating plant, receiving station, distributing station, transformer, transmission line, or any appurtenances, used for the storage of water for the generation of hydroelectric power, or for the generation of electricity by water or steam or by any other apparatus or method suitable for the generation of electricity, or for the handling, transmission, reception, or distribution of electric energy.

(d) Plant, structures or facilities used for or in connection with the rendering of telephone or telegraph service or for radiobroadcasting.

(e) A water well, dam, reservoir, pumping plant, aqueduct, canal, tunnel, siphon, conduit, or any other structure, facility, or conductor for producing, storing, diverting, conserving, treating, or conveying water.

(f) The production, storage, or manufacture of munitions, dynamite, black blasting powder, gunpowder, or other explosives.

(g) A railroad right-of-way, railroad bridge, railroad tunnel, railroad shop, railroad yard, or other railroad facility.

(h) A plant and facility for the collection, pumping, transmission, treatment, outfall, and disposal of sanitary sewerage or storm and waste water, including a water pollution or quality control facility.

CHAPTER 431

An act to add Section 12155.5 to the Education Code, relating to children movie actor work permits, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 12155.5 is added to the Education Code, to read:

12155.5. The governing board of any school district which has children holding work permits to work temporarily in the entertainment or allied industries who are exempted from attending public full-time day school under the provisions of this article, or a county superintendent of schools, may contract with any person, firm or corporation responsible for the education of any children, so employed or acting on behalf thereof, to provide eligibility lists and placement services for qualified teaching and other necessary personnel for the tutoring of such children while so employed. Such personnel shall not for these purposes be deemed public employees. The contract shall require the payment of all costs of the school district, or the

county superintendent of schools in providing the lists or services.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit governing boards of school districts to enter into the contracts authorized by this act during the 1970 summer session and the 1970-1971 school year, and thus effectuate the intent of the Legislature, it is necessary that this act take effect immediately.

CHAPTER 432

An act to amend Section 263.5 of the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.5 of the Streets and Highways Code is amended to read:

263.5. The state scenic highway system shall also include:

Route 75 from Route 5 near the south end of San Diego Bay to Route 5 via the Silver Strand and the San Diego-Coronado Toll Bridge.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 280 near First Street in San Francisco to Route 61 in Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from:

(a) Route 49 near Jackson to Route 89 near Picketts.

(b) Route 89 near Woodfords to the Nevada state line.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

CHAPTER 433

An act to amend Section 6481 of the Fish and Game Code, and to amend Sections 6484 and 6511 of the Fish and Game Code, as proposed by Senate Bill No. 945, relating to non-native cultivated shellfish.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6481 of the Fish and Game Code is amended to read:

6481. When a shellfish bed is established pursuant to this code, only nonnative cultivated shellfish in the bed belong to the person establishing the bed, and that person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining the bed. The provisions of this section apply only for the term of the license provided in Section 6480.

For the purpose of this section, "nonnative shellfish" are those shellfish not occurring naturally in the biota of the area on January 1, 1971, as determined by the department.

SEC. 2. Section 6484 of the Fish and Game Code, as proposed by Senate Bill No. 945, is amended to read:

6484. When a mariculture area is established pursuant to this article, only nonnative cultivated marine life in the culture area belong to the person establishing the culture area, and that person is entitled to the exclusive use and occupation of the land on which the culture area is located, for the purpose of maintaining the culture area. The provisions of this section apply only for the term of the license provided in Section 6480.

For the purpose of this section "nonnative marine life" is that marine life not occurring naturally in the biota of the area on January 1, 1971, as determined by the department.

SEC. 3. Section 6511 of the Fish and Game Code, as proposed by Senate Bill No. 945, is amended to read:

6511. When an oysterbed is established pursuant to this code, only nonnative cultivated oyster in the bed belong to the person establishing the bed, and that person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining the bed. The provisions of this section apply only for the term of the license provided in Section 6510.

For the purpose of this section, "nonnative oysters" are those oysters not occurring naturally in the biota of the area on January 1, 1971, as determined by the department.

SEC. 4. It is the intent of the Legislature, if Section 6481 of the Fish and Game Code is affected by both this bill and Senate Bill No. 945 and both bills are enacted, that both amendments be given effect and incorporated in Sections 6481

and 6511 in the form set forth in Sections 2 and 3 of this act. Therefore, in the event Senate Bill No. 945 is enacted and affects Section 6481, Sections 2 and 3 of this act shall become operative at the same time that Section 6481 as affected by Senate Bill No. 945 becomes operative, and at that time, Section 6481 of the Fish and Game Code as amended by Section 1 of this act is repealed.

CHAPTER 434

An act to amend Section 263.8 of the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include:

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from Route 17 in Santa Clara County to Route 80 near First Street in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 580 from Route 5 southwest of Vernalis to Route 205 near Tracy.

CHAPTER 435

An act to amend Section 20531 of, and to add Section 20531.5 to, the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20531 of the Government Code is amended to read:

20531. The board may include each year in the contribution required of the contracting agency a reasonable amount, which may differ from agency to agency, to cover the costs of administering this system as it affects the active and retired employees of that agency. The board may also assess a contracting agency a reasonable amount to cover costs incurred because of the agency's failure to submit reports and forward contributions on a timely basis. Such payments shall be credited to the current appropriation for support of the board and available for expenditure by the board.

SEC. 2. Section 20531.5 is added to the Government Code, to read:

20531.5. The board may charge interest on the amount of any payment due and unpaid by a contracting agency until payment is received at a rate approximating the average rate received on moneys then being invested but not to exceed 10 percent per annum. Such charges shall be deemed interest earnings in the year in which received.

CHAPTER 436

An act to amend Section 3271 of the Fish and Game Code, relating to licensed pheasant club boundaries.

[Approved by Governor July 16, 1970 Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the state is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and Interstate Highway 5 northerly on Interstate Highway 5 to the junction of Washoe Avenue; thence northerly along Washoe Avenue to California Avenue (Panoche Road); thence westerly along California Avenue (Panoche Road) to Interstate Highway 5; thence northerly along Interstate Highway 5 to the Delta-Mendota Canal crossing; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento

County-Solano County line to Cache Slough; thence northwesterly along the South bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghampton Road to State Highway 113; thence northerly along State Highway 113 to Hawkins Road; thence westerly along Hawkins Road to Leisure Town Road; thence southerly along Leisure Town Road to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence southwestwardly along Interstate Highway 80 to the range line between R 1 W. and R 2 W.; thence northerly along said range line to the Pacific Gas and Electric Pit Vaca Dixon electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along west right-of-way boundary of the said Pacific Gas and Electric transmission lines to the township line between T. 15 N. and T. 16 N.; thence northerly along the west right-of-way boundary of said transmission line to the Tehama County line; thence easterly along the Tehama-Glenn County line to the Sacramento River; thence northerly along the Sacramento River to the Tehama-Butte County line; thence easterly along the Tehama-Butte County line to U. S. Highway 99; thence southeasterly along 99E through Chico to the junction of State Sign Route 162; thence southeasterly along State Sign Route 162 to the junction of State Highway 70; thence southeasterly on State Highway 70 to the township line between T. 18 N. and T. 19 N.; thence easterly on said township line to the Oroville-Bangor Highway; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties. Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties; thence southerly along the San Joaquin-Stanislaus County line to State Highway 4; thence easterly on State Highway 4 to Milton Road; thence southerly on Milton Road

to its junction with Sonora Road; thence southeasterly along Sonora Road to Knights Ferry; thence southerly along the Knights Ferry-LaGrange Road to Warnerville; thence southerly along Crabtree Road to Turlock Lake State Park; thence southerly on Roberts Ferry Road to its intersection with Lake Road; thence westerly on Lake Road to Hawkins Road; thence southerly on Hawkins Road to Keyes Road; thence easterly on Keyes Road to its intersection with Cox Ferry Road; thence southerly along Cox Ferry Road and State Highway 59, to the Santa Fe railroad tracks; thence southerly along the Santa Fe railroad tracks through Planada and LeGrand to its intersection with State Highway 145; thence southwesterly along State Highway 145 to U. S. Highway 99; thence southerly along U. S. Highway 99 to State Highway 41; thence southwesterly along State Highway 41 to the point of beginning.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the state, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 437

An act relating to the Hope Elementary School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1970 Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. During the 1965-1966 fiscal year, a permissive override tax was levied in the Hope Elementary School District for educational services for mentally retarded minors pursuant to Section 6913.1 of the Education Code. The governing board of the Hope Elementary School District had requested that a tax rate of one and fifty-four hundredths cents (\$.0154) be levied on each one hundred dollars (\$100) of assessed valuation within the district. By an error, the tax rate actually levied was six cents (\$.06) on each one hundred dollars (\$100) of assessed valuation within the district.

As a result of the tax rate actually levied, the amount of fifteen thousand six hundred seventy-seven dollars and forty cents (\$15,677.40) was raised and deposited in the Mentally Retarded Minors Fund of the Hope Elementary School District. However, since 1966, only three thousand six hundred forty-nine dollars and forty cents (\$3,649.40) of that amount has been required for expenditure for educational services for mentally retarded minors. Thus, there remains in the Mentally Retarded Minors Fund of the Hope Elementary School District a balance of approximately twelve thousand dollars

(\$12,000) which, pursuant to the provisions of Section 6913.1 of the Education Code, cannot be used for purposes other than the education of mentally retarded minors.

At the present time there is only one child in the Hope Elementary School District who qualifies as a mentally retarded minor.

SEC. 2. The Legislature finds that a transfer of an amount not to exceed ten thousand dollars (\$10,000) from the Mentally Retarded Minors Fund of the Hope Elementary School District to the district's general fund would serve a better purpose of the school district during the next fiscal year. Such a transfer would effectively reduce the tax rate in the school district during the 1970-1971 fiscal year.

SEC. 3. The Legislature finds that the unique circumstances in the Hope Elementary School District require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution.

SEC. 4. Notwithstanding any other provisions of law to the contrary, including Section 6913.1 of the Education Code, the governing board of the Hope Elementary School District is hereby authorized to transfer an amount not to exceed ten thousand dollars (\$10,000) from the Mentally Retarded Minors Fund of the Hope Elementary School District to the district's general fund to be used for general school purposes and to be reflected by a reduction in the tax rate in the school district for the 1970-1971 fiscal year.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Hope Elementary School District can make the transfer of funds authorized by this act at the earliest possible time, particularly prior to the adoption of the 1970-1971 fiscal year budget and the 1970-1971 tax rate determination, it is necessary that this act take immediate effect.

CHAPTER 438

An act to add Sections 36830.1, 36830.2, 36830.3, 36830.4 and 36830.5 to the Water Code, relating to California water districts.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 36830.1 is added to the Water Code, to read:

36830.1. The tax collector may, in his discretion, accept negotiable paper in payment of any assessment or on a redemption.

SEC. 2. Section 36830.2 is added to the Water Code, to read:

36830.2. As used herein, "negotiable paper" means bank checks and drafts and express and post office money orders payable on demand.

SEC. 3. Section 36830.3 is added to the Water Code, to read:

36830.3. The acceptance of negotiable paper constitutes a payment of an assessment or redemption as of the date of acceptance when, but not before, the negotiable paper is duly paid.

SEC. 4. Section 36830.4 is added to the Water Code, to read:

36830.4. If any negotiable paper is not paid on due presentment for any reason, any record of payment made on the assessment book because of its acceptance shall be canceled, and the assessment is a lien as though no payment had been attempted. The tax collector, when accepting negotiable paper, shall make any memoranda necessary to enable him to make proper cancellation on its return without payment.

SEC. 5. Section 36830.5 is added to the Water Code, to read:

36830.5. When a cancellation is made the tax collector shall record it in the assessment book opposite the name of the assessee who attempted payment by the negotiable paper and shall promptly notify such assessee of the cancellation of the payment. The validity of any assessment or penalty is not affected by failure or irregularity in giving the notice.

CHAPTER 439

An act to amend Section 34501 of the Vehicle Code, relating to Highway Patrol inspection.

[Approved by Governor July 16, 1970 Filed with
Secretary of State July 16, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 34501 of the Vehicle Code is amended to read:

34501. The Department of the California Highway Patrol shall adopt reasonable rules and regulations which in the judgment of the department are designed to promote the safe operation of vehicles described in Section 34500, regarding, but not limited to, hours of service of drivers, equipment, fuel containers, fueling operations, inspection, maintenance, record-keeping, accident reports, and drawbridges. The Commissioner of the Department of the California Highway Patrol shall

appoint a committee of 15 members, consisting of representatives of industry subject to regulations to be adopted pursuant to this section, to act in an advisory capacity to the department, and the department is directed to cooperate and confer with the advisory committee so appointed.

The department may inspect any vehicles in maintenance facilities or terminals, as well as any records relating to the dispatch of vehicles or drivers, and the pay of drivers, to assure compliance with the provisions of this code and regulations adopted pursuant to this section.

The department may adopt regulations restricting or prohibiting the movement of vehicles from maintenance facilities or terminals found in violation of the provisions of this code and regulations adopted pursuant to this section.

CHAPTER 440

An act to add Article 6.5 (commencing with Section 31110) to Chapter 1 of Part 5 of Division 12 of the Water Code, relating to the Calaveras County Water District.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 31110) is added to Chapter 1 of Part 5 of Division 12 of the Water Code, to read:

Article 6.5. Sewer and Garbage Facilities in the Calaveras County Water District

31110. Notwithstanding any other provisions contained in this division, the Calaveras County Water District, or an improvement district formed therein pursuant to the provisions of this division, may pursuant to the provisions of this article authorize and finance the construction, operation, and maintenance of facilities for the collection, transmission, treatment, and disposal of sewage, waste and storm water and garbage, waste and trash within the district.

31111. For the purposes of this article, the Board of Directors of the Calaveras County Water District may levy and collect taxes in the manner provided in this division. Such tax revenues shall be available for capital outlay purposes or for the accumulation of a reserve fund for capital outlay purposes.

31112. The Board of Directors of the Calaveras County Water District may levy and collect taxes in the manner provided in this division for the purpose of the maintenance and operation of any facilities constructed pursuant to Section 31110.

31113. Pursuant to a resolution adopted by a fourth-fifths vote of all the members of the board, the Calaveras County Water District may deposit any funds of the district, not to exceed four hundred thousand dollars (\$400,000) in amount, in a revolving fund to be available for the acquisition of real or personal property, for engineering services, or for the construction of structures or improvements needed in whole or in part to provide facilities and services within the district, or an improvement district therein, as authorized pursuant to Section 31110. Such revolving fund shall be reimbursed from service fees, connection charges, tax revenues, or other moneys available from the service area, and no sums shall be disbursed from the fund until the board has, by resolution, established the method by which, and the term, not to exceed five years, within which the fund shall be reimbursed. The fund shall be reimbursed within five years together with interest at the current legal rate per annum.

SEC. 2. The Calaveras County Water District faces unique problems in connection with the furnishing of sewer and garbage services because of the mountainous terrain within which it is located. The district has made investigations and studies of its special problems in the construction and financing of a sewer and garbage system for certain areas and has been responsive to the rapidly changing conditions and needs caused by population growth. To avoid duplication and confusion resulting from the possible overlapping of a multiplicity of special districts, the powers of Calaveras County Water District with respect to the construction and financing of sewer and garbage facilities must be broadened. The Calaveras County Water District, a presently organized and actively operating political subdivision of the state, is the only operating entity in its area presently able to cope with the unique problems resulting from the rapid growth and development of such area. Because of this special situation, the adoption of a special act is necessary.

CHAPTER 441

An act to amend Section 55370 of the Water Code, relating to county waterworks districts.

[Approved by Governor July 15, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1 Section 55370 of the Water Code is amended to read:

55370. A district may acquire property by purchase, gift, devise, exchange, descent, and eminent domain. The title to all property which may have been acquired for a district shall be vested in the district.

CHAPTER 442

An act to amend Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947), relating to the Monterey County Flood Control and Water Conservation District.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Monterey County Flood Control and Water Conservation District Act (Chapter 699 of the Statutes of 1947) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.
2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.
3. To adopt a seal and alter it at pleasure.
4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.
5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare

rights in the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Monterey, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest

public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Monterey County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Monterey County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement; to cooperate with, and to act in conjunction with, the State of California, or any of its engineers, officers, boards,

commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for controlling flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

10. To incur indebtedness and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To buy, provide, sell and deliver water.

14. To exchange water.

15. To distribute water to persons in exchange for ceasing or reducing ground water extractions.

16. To transport, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district.

CHAPTER 443

An act to amend Sections 1, 2, 8, 12, 29, 31, 33, 36, 38, 42, and 47 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), relating to the Upper Santa Clara Valley Water Agency.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Section 1. This act is designated, and may be cited and referred to as, the "Castaic Lake Water Agency Law."

SEC. 2. Section 2 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 2. The Castaic Lake Water Agency, hereinafter referred to as the "agency," is hereby created, organized and incorporated and shall be managed as herein expressly provided and may exercise the powers herein expressly granted or

necessarily implied, and may include contiguous or noncontiguous parcels of both unincorporated and incorporated territory and territory included in any public district having similar powers and shall include all territory lying within the following described boundaries:

All that real property situate in the County of Los Angeles, State of California, more particularly described as follows:

Commencing at the northwesternmost corner of the Agency located at the northwest corner of the southwest one-quarter of the southwest one-quarter of Section 14, T. 5 N., R. 17 W., S.B.B. & M.; and proceeding along lines established by the public land surveys or projections thereof except where noted;

Thence east to the northeast corner of the southeast one-quarter of the southeast one-quarter of Section 13, T. 5 N., R. 17 W.;

Thence south to the southwest corner of the northwest one-quarter of the northwest one-quarter of Section 30, T. 5 N., R. 16 W.;

Thence east to the southeast corner of the northwest quarter of the northwest one-quarter of Section 30, T. 5 N., R. 16 W.;

Thence south to the southwest corner of the southeast one-quarter of the southwest one-quarter of Section 30, T. 5 N., R. 16 W.;

Thence easterly to the northeast corner of the northwest one-quarter of Section 32, T. 5 N., R. 15 W.;

Thence north to the northwest corner of the southeast one-quarter of Section 29, T. 5 N., R. 15 W.;

Thence east to the northeast corner of the southeast one-quarter of Section 29, T. 5 N., R. 15 W.;

Thence north to the northeast corner of Section 29, T. 5 N., R. 15 W.;

Thence east to the northwest corner of the northeast one-quarter of Section 27, T. 5 N., R. 15 W.;

Thence south to the southwest corner of the southeast one-quarter of Section 27, T. 5 N., R. 15 W.;

Thence east to the northeast corner of the northwest one-quarter of the northeast one-quarter of Section 31, T. 5 N., R. 14 W.;

Thence south to the southeast corner of the southwest one-quarter of the southeast one-quarter of Section 31, T. 5 N., R. 14 W.;

Thence east to the quarter corner in the northerly line of Section 5, T. 4 N., R. 14 W.;

Thence south to the quarter corner in the southerly line of Section 5, T. 4 N., R. 14 W.;

Thence east to the quarter corner in the northerly line of Section 9, T. 4 N., R. 14 W.;

Thence south to the center of Section 16, T. 4 N., R. 14 W.;

Thence west to the quarter corner in the west line of Section 17, T. 4 N., R. 14 W.;

Thence south to the southeast corner of Section 18, T. 4 N., R. 14 W.;

Thence west to the quarter corner in the north line of Section 19, T. 4 N., R. 14 W.;

Thence south to the quarter corner in the southerly line of Section 19, T. 4 N., R. 14 W.;

Thence west to the northeast corner of Section 25, T. 4 N., R. 15 W.;

Thence south to the southeast corner of Section 1, T. 3 N., R. 15 W.;

Thence west to the southeast corner of Section 6, T. 3 N., R. 15 W.;

Thence south to the southeast corner of Section 18, T. 3 N., R. 15 W.;

Thence west along the southerly line of Section 18, T. 3 N., R. 15 W. to the southwest corner of said section;

Thence southwesterly to the most northerly corner of the boundary of the City of Los Angeles and thence southwesterly along said city boundary to its westerly intersection of the southerly line of the north half of the north half of Section 24, T. 3 N., R. 16 W.;

Thence westerly to the southwest corner of the northwest one-quarter of the northwest one-quarter of Section 24, T. 3 N., R. 16 W.;

Thence north to the northwest corner of Section 24, T. 3 N., R. 16 W.;

Thence westerly to the quarter corner in the south line of Section 14, T. 3 N., R. 16 W.;

Thence north to the northeast corner of the southeast one-quarter of the southwest one-quarter of Section 14, T. 3 N., R. 16 W.;

Thence west to the northwest corner of the southwest one-quarter of the southwest one-quarter of Section 14, T. 3 N., R. 16 W.;

Thence north to the quarter corner in the westerly line of Section 14, T. 3 N., R. 16 W.;

Thence west to the northwest corner of the northeast one-quarter of the southeast one-quarter of Section 15, T. 3 N., R. 16 W.;

Thence south to the southwest corner of the northwest one-quarter of the southeast one-quarter of Section 15, T. 3 N., R. 16 W.;

Thence west to the northwest corner of the southwest one-quarter of the southeast one-quarter of Section 15, T. 3 N., R. 16 W.;

Thence south to the quarter corner in the south line of Section 15, T. 3 N., R. 16 W.;

Thence west to the southwest corner of the southeast one-quarter of the southwest one-quarter of Section 15, T. 3 N., R. 16 W.;

Thence north to the northwest corner of the northeast one-quarter of the northwest one-quarter of Section 15, T. 3 N., R. 16 W.;

Thence west to the northwest corner of Section 16, T. 3 N., R. 16 W.;

Thence north to the northeast corner of Section 8, T. 3 N., R. 16 W.;

Thence west to the southwest corner of the southeast one-quarter of the southeast one-quarter of Section 6, T. 3 N., R. 16 W.;

Thence north to the northwest corner of the northeast one-quarter of the southeast one-quarter of Section 6, T. 3 N., R. 16 W.;

Thence west to the southeast corner of the southwest one-quarter of the northwest one-quarter of Section 6, T. 3 N., R. 16 W.;

Thence, on projected section lines through the Rancho San Francisco, northerly to the southeast corner of the northwest one-quarter of the northwest one-quarter of Section 31, T. 4 N., R. 16 W.;

Thence east to the southwest corner of the northeast one-quarter of the northeast one-quarter of Section 31, T. 4 N., R. 16 W.;

Thence north to the northwest corner of the northeast one-quarter of the northeast one-quarter of Section 31, T. 4 N., R. 16 W.;

Thence east to the northeast corner of Section 31, T. 4 N., R. 16 W.;

Thence north to the quarter corner in the east line of Section 19, T. 4 N., R. 16 W.;

Thence west to the northwest corner of the northeast one-quarter of the southwest one-quarter of Section 19, T. 4 N., R. 16 W.;

Thence north to the northeast corner of the northwest one-quarter of the northwest one-quarter of Section 19, T. 4 N., R. 16 W.;

Thence west to the northwest corner of Section 23, T. 4 N., R. 17 W.;

Thence north to the point of beginning at the northwest corner of the southwest one-quarter of the southwest one-quarter of Section 14, T. 5 N., R. 17 W., S.B.B. & M.

SEC. 3. Section 8 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general agency elections and all special agency elections, except as in this act otherwise provided.

In counties in which the agency is located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form

as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Castaic Lake Water Agency," with the following subheading: "for Director at Large—Vote for One" and if the office of divisional director is to be voted on in that year in the division in question, then also with the subheading: "For a Member of the Board of Directors, Division ----- (here inserting the number of the division)—Vote for One." Beneath each such subheading shall appear the names of the candidates for the office of the agency shown in such subheading, with the appropriate blank space for the writing in of the name of a candidate, if desired by the voters, and with a voting square opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their respective precincts who shall appear on the register as duly registered voters, within the agency, and in precincts which lie partly within such agency and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of the agency, and the other of which shall be without such heading containing the names of candidates for the office of members of the board of directors, and which shall be furnished to those voters who are not voters of the agency and who are voters of the precinct.

SEC. 4. Section 12 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion. On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and motions may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Castaic Lake Water Agency as follows:". Each of the members of the board of directors shall receive for each attendance at the meetings of the board twenty dollars (\$20). No directors, however, shall receive pay for more than three meetings in any calendar month. Any vacancy in the board of directors shall be filled by a majority of the remaining directors, and the person so chosen shall hold office for the remainder of the unexpired term.

SEC. 5. Section 29 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 29. Whenever the board of directors deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works or property mentioned in this act and to provide for

such bonded indebtedness to be payable from taxes levied upon less than all of the agency, the board shall, by resolution, so declare and state: (a) the purpose for which the proposed debt is to be incurred; (b) the amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance and the sale of the bonds; (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and to call an election in such proposed improvement district on a date to be fixed, for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district; (d) that taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district; (e) that a general description of the proposed improvement, together with a map showing the exterior boundaries of said proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary of the agency and is available for inspection by any person or persons interested; (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the proposed improvement and the amount of debt to be incurred; and (g) that at the time and place specified in the resolution any person interested, including all persons owning property in the agency or in the proposed improvement district, will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such notice shall also be given by posting a copy of said resolution in six public places within the proposed improvement district at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution declaring the necessity for incurring the bonded indebtedness. The board shall have the power to change the purpose for which the proposed debt is to be incurred, or the amount of bonded debt to be incurred, or the boundaries of said proposed improvement district, or one or all of said matters; provided, however, that said board shall not change such boundaries so as to include any territory which will not, in its judgment, be benefited by said improvement.

The purpose, amount of bonded debt or boundaries shall not be changed by said board except after notices of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in said agency, if there is a newspaper printed and published in such agency, and by posting in six public places within said proposed improvement district. Said notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, and specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of said notice. At the time and place so fixed, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the agency or the proposed improvement district, may appear and present any matters material to the changes stated in the notice. At the conclusion of the hearing the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness, and, if so, the resolution shall also state the purpose for which said proposed debt is to be incurred, the amount of the proposed debt, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map shall thereupon constitute and be known as "Improvement District No. _____ of Castaic Lake Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section, all proceedings for the purpose of a bond election shall be limited, and shall apply only to the improvement district, and taxes for the payment of said bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

After the board has made its determination of the matters required to be determined by said last-mentioned resolution, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in said improvement district for the purpose of submitting to the qualified voters thereof the proposition of incurring indebtedness by the issuance of bonds of the agency for said improvement district. Said resolution shall state: (a) that the board deems it necessary to incur the bonded indebtedness; (b) the purpose for which the bonded indebtedness will be incurred; (c) the amount of debt to be incurred; (d) the improvement district to be benefited by said indebtedness, as set forth in the resolution making determinations, and that a

map showing the exterior boundaries of said improvement district is on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district; (e) that taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in said improvement district; (f) the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years; (g) the maximum rate of interest to be paid, which shall not exceed 6 percent per annum payable semiannually, except that interest for the first year may be payable at the end of the said year; (h) the measure to be submitted to the voters; (i) the date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred; and (j) the designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing pursuant to Section 6066 of the Government Code the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted.

Any action or proceeding, wherein the validity of the formation of the improvement district or of any such bonds or of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the date of such election; otherwise, said bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

SEC. 6. Section 31 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 31. If from the returns it appears that more than two-thirds of the votes cast in an election held pursuant to the provisions of Section 28 or of Section 29 of this act, were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, issue bonds of the agency for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized shall have been issued. Said full amount of bonds may be divided into two or more series and different dates fixed for each of the series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of each series respectively.

The board of directors shall, by resolution, prescribe the form of the bonds and the form of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively. The bonds shall bear interest at a rate or rates not to exceed six percent (6%) per annum, payable semiannually, except that interest for the first year may be payable at the end of said year. The board of directors may also provide for call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100). The principal and interest shall be payable in lawful money of the United States at the office of the treasurer of the district or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

The bonds shall be dated, numbered consecutively, and be signed by the president and treasurer of the agency, countersigned by the secretary of the agency, and the official seal of the agency attached. The interest coupons of such bonds shall be signed by the treasurer of said agency. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of said signatures or countersignatures to said bonds shall be manually affixed.

If the bond election proceedings have been limited to and have applied only to an improvement district within said agency, said bonds are bonds of the agency and shall be issued in the name of the agency and shall be designated "Bonds of the Castaic Lake Water Agency for Improvement District No. -----" and each bond and all interest coupons thereof shall

state that taxes levied for the payment thereof shall be levied exclusively upon the taxable property in said improvement district.

Before selling the bonds, or any part thereof, the board of directors shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if said board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

The proceeds arising from the sale of bonds shall be paid into the treasury of the agency and placed to the credit of a special improvement fund and expended only for the purpose for which the indebtedness was created; provided, however, that when said purpose has been accomplished any moneys remaining in said special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds. Said remaining moneys remaining from the sale of bonds of the agency may also be used for some other agency purpose. Such moneys remaining from the sale of bonds of the agency for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district. Said moneys may not be used for said other agency purpose or improvement district purpose until two-thirds of the qualified voters of said agency or improvement district have consented thereto at a special election called in said agency or improvement district by the board of directors. Notice of said election shall be given in the manner provided for bond elections in said agency or improvement district, as the case may be, and in other respects the election shall be conducted as are other agency elections.

SEC. 7. Section 33 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 33. Whenever the board of directors deems it necessary to form an improvement district of a portion of the agency for a purpose other than the incurring of bonded indebtedness under Section 29 of this act it shall by resolution so declare and state: (a) the purpose for which the proposed improvement district is to be formed, (b) the estimated expense of carrying out said purpose, (c) that the board intends to form an improvement district of a portion of the agency which in the opinion of the board will be benefited, the exterior boundaries of which portion are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the proposed improvement district, (d) that taxes for carrying out said purpose shall be levied exclusively upon the taxable property in said proposed improvement district, (e) that a map showing the exterior boundaries of said proposed improvement district, with relation to

the territory immediately contiguous thereto, is on file with the secretary of the agency and is available for inspection by any person or persons interested, (f) the time and place for a hearing by the board on the questions of the formation of said proposed improvement district, the extent thereof, the purpose for which it is to be formed, and the estimated expense of carrying out said purpose and (g) that at said time and place any person interested, including all persons owning property in the agency or in the proposed improvement district will be heard. Notice of said hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the agency, if there is a newspaper circulated therein. Said notice shall also be given by posting a copy of said resolution in three public places within the proposed improvement district for at least two weeks before the time fixed for said hearing.

At the time and place so fixed, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing at which hearing any person interested, including all persons owning property in the agency, or in the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution. At the conclusion of the hearing the board shall by resolution determine whether it is necessary to form said improvement district, and, if so, the resolution shall also state the purpose for which the proposed improvement district is to be formed, estimated expense of carrying out said purpose, that the exterior boundaries of the portion of the agency which will be benefited are set forth on a map on file with the secretary of the agency, which map shall govern for all details as to the extent of the improvement district, and that said portion of the agency set forth on said map, shall thereupon constitute and be known as "Improvement District (A, B, C, or other letter designation) of the Castaic Lake Water Agency," and the determinations made in said resolution shall be final and conclusive. After the formation of such improvement district within the agency pursuant to this section all taxes levied for the carrying out of said purpose shall be levied exclusively upon the taxable property in the improvement district.

A copy of the resolution forming the improvement district shall be published pursuant to Section 6066 of the Government Code in a newspaper printed and published in the agency, if there is a newspaper printed and published in the agency, and a copy of said resolution shall also be posted in three public places within the proposed improvement district for at least two weeks. Said resolution shall not be effective until the 31st day after completion of said publication and posting. If before said effective date a petition signed by not less than 10 percent of the voters of the proposed improvement district requesting that an election be held on the formation thereof is presented to the board of directors, said board shall call a special election

in the proposed improvement district for the purpose of submitting the question of the formation of the improvement district to the voters of said proposed improvement district.

The board of directors shall provide for holding such special election on the day so fixed and in accordance with the provisions of the Elections Code so far as the same shall be applicable, except as herein otherwise provided. Notice of the holding of such election shall be given by publishing the resolution calling the election pursuant to Section 6066 of the Government Code prior to the date of the proposed election, in at least one newspaper printed and published in the agency, if there is a newspaper printed and published in such agency. Such resolution shall also be posted in three public places in such improvement district not less than two weeks prior to the date of the proposed election. No other notice of such election need be given.

The returns of such election shall be made, the votes canvassed by said board of directors within seven days following said election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code so far as they may be applicable, except as in this act otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the elections shall have otherwise been fairly conducted.

If from such returns it appears that a majority of the votes cast at such election were in favor of the formation of such improvement district, the formation of such improvement district shall be complete.

Any action or proceeding wherein the validity of the formation of the improvement district or of any of the proceedings in relation thereto is contested, questioned or denied, shall be commenced within three months from the effective date of the resolution forming such district, or if an election is held, within three months from the date of such election, otherwise the formation of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

SEC. 8. Section 36 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 36. Land not a part of the agency whether or not contiguous to it or to other portions added to the agency, and consisting of any portion of the county wherein the agency was formed or of any municipality therein, or of land in any county contiguous to the county wherein the agency was formed or of any municipality therein, may be included within the agency. Such annexation shall occur in the following manner. A petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be annexed equal in number to at least 10

per centum of the number of such voters voting for all candidates for the office of Governor of this state at the last general election at which a Governor was elected prior to the filing of such petition. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such agency.

The text of such petition shall be published once a week for at least two weeks, the last publication to be made not less than one week nor more than four weeks before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such county, together with a notice stating the time of the meeting at which the same will be presented. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in said publication of said petition and notice, but the number of signers shall be stated.

Within 10 days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate. The secretary of the agency shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board of directors, without delay.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or

petitions shall be considered in determining the number of voters signing the petition.

After an election for the annexation of such area to the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

Such petition may be granted by ordinance of the board of directors of such agency. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such agency of special taxes upon taxable property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such agency, and in case such terms and conditions shall provide for the levy of such special taxes, the board of directors, in fixing such terms and conditions, shall specify the aggregate amount to be so raised and the number of years prescribed for raising such aggregate sum and that substantially equal annual levies will be made for the purpose of raising such sum over the period so prescribed. Such terms and conditions also may provide, among other things, that a special water rate may be fixed from time to time by the board of directors for the area or areas proposed to be annexed. Such terms and conditions also may further provide that the taxable property in the annexed area shall be subject to taxation to the extent set forth in such terms and conditions for the purpose of the payment of bonds and other obligations of such agency at the time authorized or outstanding. If such petition is granted the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the county once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall ----- (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to the Castaic Lake Water Agency, subject to the terms and conditions fixed by the board of directors of said agency?" At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors

shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and to the county recorder of the county in which such agency is located. Upon receipt of such last-mentioned certificate, the Secretary of State shall within 10 days, issue his certificate, reciting the passage of said ordinance and the addition of said area or areas to said agency. A copy of said certificate shall be transmitted to, and filed with the county clerk of the county in which such agency is situated. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said agency, and the taxable property therein shall be subject to taxation thereafter for the purposes of said agency, and the board of directors of such agency shall be empowered to do all things necessary to enforce and make effective the terms and conditions of annexation fixed as hereinabove authorized.

SEC. 9. Section 38 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 38. Territory included within the agency may be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least ten (10) per centum of the number of such voters voting for all candidates for the office of Governor of this state at the last general election prior to the filing of such petition; provided, that where one or more cities, or parts thereof, are included in the areas so proposed to be excluded, such petition must be signed by at least ten (10) per centum of the voters of each such city, or part thereof, so voting at such election. Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Within ten (10) days of the date of the filing of such petition the secretary of the agency shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters; and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or

is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented to the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in

at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

If the proceedings for exclusion have been initiated by petition, such petition may be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. If such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publication in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

"Shall ----- (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the Castaic Lake Water Agency?"

At the right of such proposition there shall be printed the words "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county or counties in which the agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of said agency, but the taxable property within such excluded area shall continue taxable by the agency for the purpose of paying the bonded or other indebtedness of the agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the

same extent that such property would be taxable for such purpose if such exclusion had not occurred.

SEC. 10. Section 42 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 42. The Castaic Lake Water Agency organized under the terms of this act may be dissolved or disincorporated in the following manner:

A petition shall be filed with the county clerk of the principal county in which such agency is located, signed by at least 25 percent of the voters of the area included in the agency who voted at the last gubernatorial election, praying for the dissolution and disincorporation of such agency and briefly stating the reasons therefor. Upon the filing of such petition the county clerk shall examine the same within 10 days and ascertain whether or not said petition is signed by the requisite number of voters. When the said county clerk has completed his examination of the petition he shall attach to the same his certificate properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters residing within the boundaries of the agency, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be. If the same is found to be insufficient by him, supplemental petitions may be filed at the time and in the manner and for the same purpose as supplemental petitions to the original petition for the incorporation of the agency. After an election for the disincorporation of the agency hereunder the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

If by the certificate of the county clerk such petition, or such petition as amended or supplemented, is shown to be sufficient, the county clerk shall present the same to the board of supervisors without delay. When such petition is presented by the county clerk as aforesaid, the board of supervisors shall give notice of an election to be held in said agency for the purpose of determining whether or not the same shall be disincorporated and dissolved; provided, however, that in the event the said agency shall have issued bonds, the board of supervisors shall not consider said petition or take any action hereunder until evidence shall be furnished showing said bonds to have been fully satisfied. Said notice of election shall be published in a newspaper published in said agency and determined by said board most likely to give notice to those interested in said hearing, at least once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week prior to the date fixed for the election; said notice shall state that the question of disincorporating said corporation shall be submitted to the voters of said agency at the time appointed for such election, and voters shall be invited thereby to vote upon such proposition by placing upon their ballots the cross as provided by law after the words

"For Disincorporation" or "Against Disincorporation." The board of supervisors shall cause a copy of said notice to be mailed by the clerk of said board to each of the directors of said agency, within five days after the date of the first publication thereof, and no election shall be had until proof of such mailing is furnished by affidavit of the clerk of said board. Such election shall be held and conducted in the same manner as the election on the organization of said agency, as nearly as practicable. Within seven days after the date of said election, the board of supervisors shall proceed to canvass the vote cast thereat; if it be found by the canvass of said votes that less than a majority of the votes cast were in favor of disincorporation, said board of supervisors shall declare the petition for disincorporation is denied. In case it shall appear from said canvass that a majority of all the votes cast were in favor of disincorporation, said board of supervisors shall make and cause to be entered upon the records of their proceedings an order that the petition for such disincorporation be granted, and declaring that the Castaic Lake Water Agency be disincorporated; said order to take effect at the time hereinafter provided. Said board of supervisors shall in case said agency is so disincorporated, forthwith cause its clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified copy of the notice of election hereinbefore provided for, and a statement of the number of voters voting for said disincorporation and the number of voters voting against said disincorporation. Twenty days from and after the holding of the election, in case a majority of said votes were cast in favor of said disincorporation, said agency shall be forever disincorporated.

SEC. 11. Section 47 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 47. The agency formed hereunder may contain lands situate in more than one county and this agency may annex lands situate in another county or counties. In either such case the lands need not be contiguous. The procedure relating to formation, annexation, dissolution, disincorporation, exclusion, fiscal matters and taxation shall conform as near as may be to such provisions with respect to agencies containing lands located in one county, subject to the following provisions:

(a) The secretary of the board of directors of the Castaic Lake Water Agency containing land in more than one county shall perform all duties prescribed by law to be performed by county clerks or registrars of voters, as the case may be, in connection with agency elections and such duties of county clerks as are required by this act which relate to annexation, dissolution, disincorporation and exclusion, and, where necessary such secretary is authorized to procure from the proper county officials all requisite registration books and copies of indexes thereof; all papers required by this act to be filed with a county clerk shall be filed with said secretary and the board

of directors shall perform all duties prescribed by law to be performed by boards of supervisors in connection with agency elections and such duties as are required by this act which relate to annexation, dissolution, disincorporation and exclusion of territory.

(b) Immediately after equalization and not later than the 15th day of August of each year, it shall be the duty of the auditor of each county wherein such agency or any part thereof shall lie, to prepare and deliver to the secretary of the agency or such other officer thereof as may be designated by the board of directors therefor a certificate showing the assessed valuation of all property within the agency lying within the county. Thereafter, the board of directors shall make the certification and statement, and issue the directions, as required by Section 27 of this act. After collection of taxes by the proper county officers at the rate specified, such officers shall pay the moneys received therefrom to the agency.

Whenever an improvement district within the Castaic Lake Water Agency is itself located in two or more counties, the method and procedure for the apportionment of agency taxes between counties shall apply to such improvement district.

(c) Whenever provision is made in this act for notice within a county, it shall be construed to require notice within each county in which agency lands are located.

(d) "Principal county" as used in this act means the county in which the greater portion of land of the Castaic Lake Water Agency is located.

CHAPTER 444

An act to amend Section 10960 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10960 of the Welfare and Institutions Code is amended to read:

10960. Within 30 days after receiving the proposed decision of a referee adopted by the director or a decision issued by the director himself, the affected county or applicant or recipient may file a request with the director for a rehearing. The director shall immediately serve a copy of the request on the other party to the hearing and such other party may within five days of the service file with the director a written statement supporting or objecting to the request. The director shall grant or deny the request no earlier than the fifth nor later than the 15th working day after the receipt of the request. If the director grants the request, the rehearing shall

be conducted in the same manner and subject to the same time limits as the original hearing. If action is not taken by the director within the time allowed, the request shall be deemed denied.

CHAPTER 445

An act to amend Section 2283 of the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2283 of the Business and Professions Code is amended to read:

2283. The examinations may be conducted in any part of this state or another state designated by the board. The notice of each meeting of the board at which an examination is to be held, shall specify the time and place of holding the examination.

CHAPTER 446

An act to add Section 8305.5 to the Fish and Game Code, relating to the commercial taking of abalone.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8305.5 is added to the Fish and Game Code, to read:

8305.5. In District 19, within one mile of the shores of San Nicolas and San Miguel Islands and in less than 20 feet of water, abalones may be taken for commercial purposes.

This section shall remain in effect only until the 91st day after adjournment of the 1972 Regular Session of the Legislature and shall have no force or effect after that date.

CHAPTER 447

An act to amend Section 1090 of the Government Code, to repeal Sections 21195, 30584, 30584.1, 30585, 34755, 34756, 40380, 40381, 50607, 50608, 60145, 70077, 71390, 71391, 71392, 74270, 74271 of, the Water Code, Section 35 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961), Section 9.1 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959), Section 66 of the Antelope Valley-East Kern Water Agency Law

(Chapter 2146 of the Statutes of 1959), Section 20 of the Bighorn Mountains Water Agency Act (Chapter 1175 of the Statutes of 1969), Section 22 of the Contra Costa County Water Agency (Chapter 518 of the Statutes of 1957), Section 12 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), Section 16 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the First Extraordinary Session of the Statutes of 1962), Section 20 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961), Section 54 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903), Section 34 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959), Section 9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), Section 18 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951), Section 10 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127 of the Statutes of 1959), Section 7.1 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959), Section 5 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949), Chapter 3 of Part 3 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), Section 26 of the Mojave Water Agency Law (Chapter 166 of the Statutes of 1967), Section 35 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959), Section 40 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), Section 32 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923), Section 7.1 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957), Section 10 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114 of the Statutes of 1959), Section 52 of the Protection District Act of 1907 (Chapter 25 of the Statutes of 1907), Section 20 of the San Geronio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961), Section 7.1 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945), Sections 111 and 112 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955), Section 10 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123 of the Statutes of 1959), Section 10 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121 of the Statutes of 1959), Section 7.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951), Section 7.1 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959), Section 9 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957), Section 20 of the Upper Santa Clara Valley Water Agency Law (Chap-

ter 28 of the Statutes of 1962, 1st Extra Session), Section 5 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949), Section 34 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969), Section 23 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927), and Section 34 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959), relating to conflicts of interest.

[Approved by Governor July 16, 1970. Filed with Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1090 of the Government Code is amended to read:

1090. Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

SEC. 2. Section 21195 of the Water Code is repealed.

SEC. 3. Section 30584 of the Water Code is repealed.

SEC. 4. Section 30584.1 of the Water Code is repealed.

SEC. 5. Section 30585 of the Water Code is repealed.

SEC. 6. Section 34755 of the Water Code is repealed.

SEC. 7. Section 34756 of the Water Code is repealed.

SEC. 8. Section 40380 of the Water Code is repealed.

SEC. 9. Section 40381 of the Water Code is repealed.

SEC. 10. Section 50607 of the Water Code is repealed.

SEC. 10.5. Section 50608 of the Water Code is repealed.

SEC. 11. Section 60145 of the Water Code is repealed.

SEC. 12. Section 70077 of the Water Code is repealed.

SEC. 13. Section 71390 of the Water Code is repealed.

SEC. 14. Section 71391 of the Water Code is repealed.

SEC. 15. Section 71392 of the Water Code is repealed.

SEC. 16. Section 74270 of the Water Code is repealed.

SEC. 17. Section 74271 of the Water Code is repealed.

SEC. 18. Section 35 of the Alpine County Water Agency Act (Chapter 1896 of the Statutes of 1961) is repealed.

SEC. 19. Section 9.1 of the Amador County Water Agency Act (Chapter 2137 of the Statutes of 1959) is repealed.

SEC. 20. Section 66 of the Antelope Valley-East Kern Water Agency Law (Chapter 2146 of the Statutes of 1959) is repealed.

SEC. 21. Section 20 of the Bighorn Mountains Water Agency Act (Chapter 1175 of the Statutes of 1969) is repealed.

SEC. 22. Section 22 of the Contra Costa County Water Agency Act (Chapter 518 of the Statutes of 1957) is repealed.

SEC. 23. Section 12 of the County Water Authority Act (Chapter 545 of the Statutes of 1943) is repealed.

SEC. 24. Section 16 of the Crestline-Lake Arrowhead Water Agency Act (Chapter 40 of the Statutes of 1962, 1st Extra Session) is repealed.

SEC. 25. Section 20 of the Desert Water Agency Law (Chapter 1069 of the Statutes of 1961) is repealed.

SEC. 26. Section 54 of the Drainage District Act of 1903 (Chapter 238 of the Statutes of 1903) is repealed.

SEC. 27. Section 34 of the El Dorado County Water Agency Act (Chapter 2139 of the Statutes of 1959) is repealed.

SEC. 28. Section 9 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is repealed.

SEC. 29. Section 18 of the Kings River Conservation District Act (Chapter 931 of the Statutes of 1951) is repealed.

SEC. 30. Section 10 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127 of the Statutes of 1959) is repealed.

SEC. 31. Section 7.1 of the Mariposa County Water Agency Act (Chapter 2036 of the Statutes of 1959) is repealed.

SEC. 32. Section 5 of the Mendocino County Flood Control and Water Conservation District Act (Chapter 995 of the Statutes of 1949) is repealed.

SEC. 33. Chapter 3 of Part 3 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is repealed.

SEC. 34. Section 26 of the Mojave Water Agency Law (Chapter 2146 of the Statutes of 1959) is repealed.

SEC. 35. Section 35 of the Nevada County Water Agency Act (Chapter 2122 of the Statutes of 1959) is repealed.

SEC. 36. Section 40 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933) is repealed.

SEC. 37. Section 32 of the Palo Verde Irrigation District Act (Chapter 452 of the Statutes of 1923) is repealed.

SEC. 38. Section 7.1 of the Placer County Water Agency Act (Chapter 1234 of the Statutes of 1957) is repealed.

SEC. 39. Section 10 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114 of the Statutes of 1959) is repealed.

SEC. 40. Section 52 of the Protection District Act of 1907 (Chapter 25 of the Statutes of 1907) is repealed.

SEC. 41. Section 20 of the San Geronio Pass Water Agency Law (Chapter 1435 of the Statutes of 1961) is repealed.

SEC. 42. Section 7.1 of the Santa Barbara County Water Agency Act (Chapter 1501 of the Statutes of 1945) is repealed.

SEC. 43. Section 111 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955) is repealed.

SEC. 44. Section 112 of the Santa Cruz County Flood Control and Water Conservation District Act (Chapter 1489 of the Statutes of 1955) is repealed.

SEC. 45. Section 10 of the Sierra County Flood Control and Water Conservation District Act (Chapter 2123 of the Statutes of 1959) is repealed.

SEC. 46. Section 10 of the Siskiyou County Flood Control and Water Conservation District Act (Chapter 2121 of the Statutes of 1959) is repealed.

SEC. 47. Section 7.1 of the Solano County Flood Control and Water Conservation District Act (Chapter 1656 of the Statutes of 1951) is repealed.

SEC. 48. Section 7.1 of the Sutter County Water Agency Act (Chapter 2088 of the Statutes of 1959) is repealed.

SEC. 49. Section 9 of the Tehama County Flood Control and Water Conservation District Act (Chapter 1280 of the Statutes of 1957) is repealed.

SEC. 50. Section 20 of the Upper Santa Clara Valley Water Agency Law (Chapter 28 of the Statutes of 1962, 1st Extra Session) is repealed.

SEC. 51. Section 5 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994 of the Statutes of 1949) is repealed.

SEC. 52. Section 34 of the Tuolumne County Water Agency Act (Chapter 1236 of the Statutes of 1969) is repealed.

SEC. 53. Section 23 of the Water Conservation Act of 1927 (Chapter 91 of the Statutes of 1927) is repealed.

SEC. 54. Section 34 of the Yuba-Bear River Basin Authority Act (Chapter 2131 of the Statutes of 1959) is repealed.

CHAPTER 448

An act to add Section 1692.5 to the Labor Code, relating to farm labor.

[Approved by Governor July 16, 1970. Filed with
Secretary of State July 16, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1692.5 is added to the Labor Code, to read:

1692.5. A licensee whose license is suspended or revoked pursuant to the provisions of this chapter shall immediately surrender such license to the Labor Commissioner.

CHAPTER 449

An act to amend Section 71006 of the Government Code, to add Section 1463.3 to the Penal Code, and to add Section 42203 to the Vehicle Code, relating to disposition of fines, and forfeitures.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 71006 of the Government Code is amended to read:

71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as provided in Sections 1463 and 1463.3 of the Penal Code and Sections 42200, 42201, and 42203 of the Vehicle Code.

SEC. 2. Section 1463.3 is added to the Penal Code, to read:

1463.3. Notwithstanding Section 1463, 50 percent of all fines and forfeitures collected in any municipal court or justice court in any county upon conviction or upon the forfeiture of bail for violations of any provisions of the Vehicle Code, or of any local ordinance or resolution, relating to stopping, standing, or parking a vehicle, that have occurred upon the premises of facilities physically located in such county, but which are owned by another county, which other county furnishes law enforcement personnel for the premises, shall be transmitted pursuant to this section to the county which owns the facilities upon which such violations occurred. The court receiving such moneys shall, once each month, transmit such moneys received in the preceding month to the county treasurer of the county in which the court is located. Once each month in which he receives such moneys, the county treasurer shall transmit to the county which owns such facilities an amount equal to 50 percent thereof. The county owning such facilities shall, upon receipt of such moneys from the municipal court or justice court of the county in which the facilities are physically located, deposit such moneys in its county treasury for use solely in meeting traffic control and law enforcement expenses on the premises upon which the violations occurred.

This section shall not apply when the county in which such facilities are located performs all law enforcement functions with respect to such facilities.

SEC. 3. Section 42203 is added to the Vehicle Code, to read:

42203. Notwithstanding Section 42201 or 42201.5, 50 percent of all fines and forfeitures collected in any municipal court or justice court in any county upon conviction or upon the forfeiture of bail for violations of any provisions of the Vehicle Code, or of any local ordinance or resolution, relating to stopping, standing, or parking a vehicle, that have occurred upon the premises of facilities physically located in such county, but which are owned by another county, which other

county furnishes law enforcement personnel for the premises, shall be transmitted pursuant to this section to the county which owns the facilities upon which the violations occurred. The court receiving such moneys shall, once each month, transmit such moneys received in the preceding month to the county treasurer of the county in which the court is located. Once each month in which he receives such moneys, the county treasurer shall transmit to the county which owns such facilities an amount equal to 50 percent thereof. The county owning such facilities shall, upon receipt of such moneys from the municipal court or justice court of the county in which the facilities are physically located, deposit such moneys in its county treasury for use solely in meeting traffic control and law enforcement expenses on the premises upon which the violations occurred.

This section shall not apply when the county in which such facilities are located performs all law enforcement functions with respect to such facilities.

CHAPTER 450

An act to amend Section 16110 of the Government Code, relating to subventions to local government and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1970 Filed with
Secretary of State July 17, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 16110 of the Government Code is amended to read:

16110. (a) Out of the amount appropriated to the Controller from the Property Tax Relief Fund by Section 16105, so much as may be necessary shall be allocated in accordance with the terms and conditions set forth in this section to local taxing authorities which have lost revenue by reason of the operation of Section 988 of the Revenue and Taxation Code.

(b) Upon, and only upon, application by a local taxing authority, the Controller shall determine the loss occasioned by the operation of Section 988 of the Revenue and Taxation Code by multiplying the current tax rate of the local entity times each one hundred dollars (\$100) of assessed valuation attributable to motion pictures, including the negatives and prints thereof, and taxable by such local entity and shall pay to the claimant the amount so computed, provided the assessed valuation upon which the loss is determined is in excess of five thousand dollars (\$5,000) and the amount of tax loss is one hundred dollars (\$100) or more.

(c) For the purposes of the computation under subdivision (b) of this section, the assessed valuation of motion pictures,

including the negatives and prints thereof, taxable by any claimant local entity shall be the average assessed value of such property which was taxable by such local entity during the four-year period including and ending with the 1968-1969 fiscal year.

(d) Application for the replacement revenues shall be made on or before September 15th with respect to losses to be occasioned in the fiscal year and payments shall be made on or before November 1st of the same calendar year.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid the necessity of making uneconomical payments at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 451

An act to add Section 39067.2 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39067.2 is added to the Health and Safety Code, to read:

39067.2. The motor vehicle is the major source of the atmospheric pollution in California and costs the state untold millions of dollars annually. It has been often suggested that periodic inspection of the engine systems of motor vehicles would be an incentive for their owners to properly maintain the vehicle, thus achieving a measurable reduction in vehicle emissions. However, the benefits and costs associated with an emissions inspection program are unknown.

Therefore, the board shall undertake a study project to determine (a) the reduction in automotive emissions that could be achieved by practicable vehicle emission inspection programs and (b) the costs of carrying out such programs on a permanent basis.

The board shall report its findings and recommendations to the Legislature no later than July 1, 1971. Should the board recommend the initiation of any specific vehicle emission inspection program, its report shall describe in detail its estimate of the reduction in air pollution that would be achieved, the manner in which the program would operate, and its projected annual costs.

SEC. 2. There is hereby appropriated from the Motor Vehicle Fund to the State Air Resources Board the sum of sixty-five thousand dollars (\$65,000) for the purpose of carrying out the provisions of Section 39067.2 of the Health and Safety Code.

CHAPTER 452

An act to amend Sections 10053 and 11205 of the Welfare and Institutions Code, to amend Section 11871 of, and to add Article 7 (commencing with Section 11901) to Chapter 4 of Division 9 of, the Education Code, relating to nutritional supplements for pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1970 Filed with
Secretary of State July 17, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 10053 of the Welfare and Institutions Code is amended to read:

10053. "Services" means those activities and functions performed by social work staff and related personnel of the department and county departments with or in behalf of individuals or families, which are directed toward the improvement of the capabilities of such individuals or families maintaining or achieving a sound family life, rehabilitation, self-care, and economic independence.

Services for children shall include the coordinated efforts of the State Department of Social Welfare and the State Department of Education to insure that all children in receipt of aid under Aid to Families with Dependent Children are afforded the opportunity to participate and progress under an educational program which will lead to their functioning at full capacity upon reaching maturity. The educational services aspect of public social services includes education for parents in food preparation and provision for nutritional supplements to the extent necessary and as authorized by Article 7 (commencing with Section 11901) of Chapter 4 of Division 9 of the Education Code.

SEC. 2. Section 11205 of the Welfare and Institutions Code is amended to read:

11205. It is the object and purpose of this chapter to provide aid for children whose dependency is caused by circumstances defined in Sections 11250 and 11251, to keep children in their own homes wherever possible, and to provide the best substitute for their own homes for those children who must be given foster care.

Those engaged in the administration of aid under this chapter are responsible to the community for its effective, humane, and economical administration.

It is the intent of the Legislature that the children shall be given every opportunity to progress in the educational system and that their capacity for such shall not be impaired by nutritional deficiencies. The employment and self-maintenance of parents of needy children shall be encouraged to the maximum extent and that this chapter shall be administered in such a way that needy children and their parents will be encouraged and inspired to assist in their own maintenance. The department shall take all steps necessary to implement this section.

SEC. 3. Section 11871 of the Education Code is amended to read:

11871. The governing board of any school district may, for purposes of Section 11870, establish rules by which to determine which pupils are needy. For purposes of this article, any pupil within the category of children eligible for aid or services under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code shall be deemed needy.

SEC. 4. Article 7 (commencing with Section 11901) is added to Chapter 4 of Division 9 of the Education Code, to read:

Article 7. Pupil Nutrition

11901. This article shall be known and may be cited as the Duffy-Moscone Family Nutrition Education and Services Act of 1970.

11902. It is the intent of this article to establish an ongoing program to assure that the nutritional requirements of pupils in receipt of public assistance are enhanced by a pervasive program of food supplementation while they are attending school.

It is the intent of the Legislature that the program established by this article shall in fiscal years subsequent to the year in which this article is enacted be funded according to customary budgetary procedures.

11903. The Department of Education, in cooperation with the Department of Social Welfare, shall establish a statewide program to provide nutritious meals at school for pupils who are in the category of children eligible for aid or services under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code. Either or both of such departments may cooperate with and enter into contracts with the United States Departments of Health, Education and Welfare and Agriculture in order to implement the provisions of this article.

11904. To the extent that school districts have an operational program of school meals for pupils, the program authorized by this article shall be integrated with such existing service.

In order to extend the program to those pupils attending schools which do not operate a school lunch program and are

unable or unwilling to provide food required by this article, contracts shall be entered into with nonprofit organizations, other public agencies or proprietary agencies. In making such contracts, special consideration shall be given to utilizing the Business Enterprises Program for the Blind established under Article 5 (commencing with Section 19625) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code. Such contracts shall be negotiated, approved and supervised by the Department of Education and terminated as soon as feasible upon certification by the Department of Education that the local school district or school is able and willing to establish a food service program.

11904.5. Notwithstanding the provisions of Section 11904, the Department of Education is authorized to approve, in school districts in which the provision of traditional meals under this article is not economically or physically feasible, demonstration projects which examine alternative methods of assuring that minimum nutritional requirements of needy pupils are met by the provision of fortified food supplements.

At least one such demonstration project shall be established which provides a nutritious fortified food supplement in lieu of a traditional meal to pupils qualified for the program. The nutritious fortified food supplement supplied in the demonstration project shall be approved by the Department of Education, the Department of Public Health, and the participating school district. The Department of Education shall, as soon as significant results of the demonstration project are measurable, submit a report on the demonstration, together with recommendations for future action to the Legislature.

11905. Programs established under this article shall, to the extent feasible and practicable, include provisions for the use of parents of needy pupils in the planning, preparation and serving of meals at school, in order to provide practical experience and training for such parents as part of the educational component of public social services. It is the intent of the Legislature that necessary formal training for such purposes shall, to the maximum extent feasible, be provided under the work incentive programs established under Division 2 (commencing with Section 5000) of the Unemployment Insurance Code.

The use of volunteers in the planning, preparation and serving of school meals and nutritional supplements under this article shall also be encouraged in order to enlist the good will of the community toward the success of this program, and in order to reduce program costs.

11906. In order to encourage the development of a sense of fiscal responsibility among the pupils participating in the program, a nominal cash payment for school meals provided under this article may be required of any such pupil. Such payments shall be related to the income of the pupil's family.

For purposes of this article, a "nominal cash payment" means not less than five cents (\$0.05) nor more than twenty

cents (\$0.20) per meal. The appropriate charge in relation to the income of the pupil's family shall be five cents (\$0.05), ten cents (\$0.10), fifteen cents (\$0.15), or twenty cents (\$0.20).

Funds received from payments by participating pupils shall be used to expand the programs under this article.

11907. In order to avoid unnecessary and costly duplication and overlap of activities, the Department of Education may contract with county welfare departments to identify those pupils who are eligible for the program under this article, and to determine the amount of cash payment that may be required of any pupil so eligible under the provisions of Section 11906.

11908. To the extent that available funds are insufficient to provide services under the program established by this article to all pupils defined as eligible, the following priorities for the provision of such services shall be observed by the Department of Education:

(a) First priority for services shall go to pupils within the category of children described in Section 11202 of the Welfare and Institutions Code.

(b) Second priority shall go to pupils eligible for social services only under Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, and among such category of pupils the order of priorities shall decline progressively according to the age of the pupils, with the youngest pupils receiving the highest priority.

11909. Each meal provided under this article shall include an appropriate serving of milk; provided, that the provisions of this section shall not be mandatory in the case of demonstration projects conducted pursuant to Section 11904.5.

11910. The Department of Education shall annually file a detailed report to the Legislature showing the progress made in extending the program of school meals established under this article to needy pupils. The report shall present the total number of pupils in the state who are deemed needy under this article, and shall indicate the number of such pupils who are being served under this or any other program which provides for free or reduced price meals at school. The report shall also indicate the number of needy pupils who are not being served by this or any other such program, and shall set forth an analysis of the reasons that these pupils are not being served.

SEC. 5. There is hereby appropriated from the State Construction Program Fund to the Department of Education, out of the amount transferred to the State Construction Program Fund pursuant to Section 17303.7 of the Education Code, which is not required for expenditure for the purposes specified in that section, the sum of six million dollars (\$6,000,000). for the implementation of this act.

In addition to the state funds appropriated there shall be added any funds made available to the state by the federal government pursuant to Title IV of the Social Security Act plus any funds made available by the federal government as a

part of the federal school lunch program administered through the Department of Agriculture. The state share of costs of services shall be provided by the Department of Education from funds appropriated by this section.

Funds appropriated by this section shall be available for use by the Department of Education, without regard to fiscal year.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The orderly implementation of the family nutrition services as authorized by this act requires the immediate attention of the Departments of Education and Social Welfare in cooperation with school districts throughout the state.

CHAPTER 453

An act to add Section 31789.1 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31789.1 is added to the Government Code, to read:

31789.1. Upon the death of any member after retirement and while receiving a retirement allowance from this system, or any superseded system, there shall be paid to his estate or to such beneficiary as he shall nominate by written designation duly executed and filed with the board, the sum of five hundred dollars (\$500).

This section applies to every member who dies after this section becomes operative whether he has retired before or after the operative date or effective date of this section.

This section shall not become operative in any county until such time as the board of retirement determines that its benefits may be financed from surplus earnings of the retirement fund. Upon this determination by the retirement board, the provisions of this section shall become operative.

CHAPTER 454

An act to amend Section 1627.5 of the Business and Professions Code, relating to dentistry.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1627.5 of the Business and Professions Code is amended to read:

1627.5. No person licensed under this chapter, who in good faith rendered emergency care at the scene of the emergency occurring outside the place of his practice, or who, upon the request of another person so licensed renders emergency care to a person for a complication arising from prior care of another person so licensed, shall be liable for any civil damages as a result of any acts or omissions by him in rendering the emergency care.

CHAPTER 455

An act to add Section 23428.14 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.14 is added to the Business and Professions Code, to read:

23428.14. For purposes of this article, "club" also means any club operated by commissioned or noncommissioned officers of the National Guard or Air National Guard which owns or leases, operates and maintains a clubroom or rooms for its membership. Such a club, if issued a club license pursuant to Section 23430, may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the club and their bona fide guests.

CHAPTER 456

An act relating to property tax.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Seed potatoes of a grower, which are personal property, held on the lien date for subsequent planting in field form and planted during the assessment year by the grower shall be exempt from taxation. This section does not apply to plant nurseries.

SEC. 2. This act shall be effective for the 1971-1972 and 1972-1973 fiscal years only. The Legislative Analyst shall submit a report to the Legislature on or before October 1, 1972 with findings as to the effect of this act upon the seed potato industry, growers entitled to exemption, taxing agencies and revenue districts, and other property taxpayers.

CHAPTER 457

An act to amend Sections 20656, 20834.1, 20834.2 and 21258 of, to add Section 20837 to, and to repeal Sections 20831.1 and 20837 of, the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20656 of the Government Code is amended to read:

20656. Upon reentering this system after a termination of his membership, if a member does not elect to redeposit withdrawn contributions as provided in Section 20654 or, having so elected, subsequently does not make such redeposit, he reenters as a new member without credit for any service except the prior service credited to him before termination.

SEC. 2. Section 20831.1 of the Government Code is repealed.

SEC. 3. Section 20834.1 of the Government Code is amended to read:

20834.1. Credit for prior service rendered as an employee of a contracting agency shall be granted to each local member who, on or before the effective date of his retirement under this system, becomes entitled to be credited with five years or more of current service rendered as an employee of that agency.

The status under this system of each local member who qualifies for credit for prior service under this section shall be adjusted to what it would have been if the prior service had been credited to such member at the date he became a member of this system.

This section shall apply to all local members on or after the operative date of the amendment to this section at the 1970 Regular Session of the Legislature whether or not the employer of any such member shall have theretofore elected to be subject to it.

SEC. 4. Section 20834.2 of the Government Code is amended to read:

20834.2. Every prior service pension and disability retirement pension payable for time commencing on the effective date of this section to any local member who was retired prior to said effective date is hereby increased to the amount it would be if the provisions of Section 20834.1, as they exist on said effective date, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the state for any increase in any pension paid or payable for time prior to its effective date. Calculation of

pensions under this section shall be made on the basis of current interest rate and mortality tables.

This section shall not apply to any contracting agency with respect to its employees who have retired under this system prior to the effective date of this section unless and until the agency elects to be subject to the provisions of this section, with respect to such employees, by amendment to its contract made in the manner prescribed for approval of contracts; except that an election among the employees is not required. The effective date of this section shall be the effective date of such contract amendment for purposes of application to any employee who was a member pursuant to such contract.

SEC. 5. Section 20837 of the Government Code is repealed.

SEC. 6. Section 20837 is added to the Government Code, to read:

20837. The repeal of Section 20831.1 at the 1970 Regular Session shall not affect any prior service pension being paid on the effective date of such repeal.

SEC. 7. Section 21258 of the Government Code is amended to read:

21258. (a) The retirement allowance referred to in this section excludes that portion of a member's service retirement annuity that was purchased by his accumulated additional contributions.

(b) If a member entitled to credit for prior service retires after attaining the compulsory age for service retirement applicable to him, or if a member is entitled to be credited with 20 years of continuous state service and retires after attaining age 65, and his retirement allowance is less than one-half of his final compensation and less than seven hundred twenty dollars (\$720) per year, his prior or current service pension, as the case may be, shall be increased so as to cause his total retirement allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or seven hundred twenty dollars (\$720) per year, whichever is less.

(c) Subdivision (b) of this section applies only to local members, and then only if the contract between the board and the employing contracting agency so provides on the operative date of the amendment to this section at the 1970 Regular Session, and shall continue applicable unless and until such agency elects to be subject to Section 21258.1.

If the contract between the board and the employing contracting agency provides therefor on the operative date of the amendment to this section at the 1970 Regular Session of the Legislature, and if the employing contracting agency does not elect to subject itself and its employees to the provisions of Section 21258.1, when a local member entitled to credit for prior service retires after attaining age 70, and his retirement allowance is less than one-half of his final compensation and less than four hundred eighty dollars (\$480) per year, his prior service pension shall be increased so as to cause his total retire-

ment allowance from this system, and from the retiring annuities system of the university, if any, to amount to one-half of such final compensation or four hundred eighty dollars (\$480) per year, whichever is less.

If a local member is employed by more than one contracting agency, his aggregate retirement allowances shall be taken into account and this subdivision shall apply as if he were employed by one or more state agencies.

SEC. 8. This act shall become operative on the first of the month following the month in which statutes enacted at the 1970 Regular Session are effective.

CHAPTER 458

An act to amend Sections 21251.15 and 21261 of the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21251.15 of the Government Code is amended to read:

21251.15. For a member reinstated from service retirement, the current service pension, or current and prior service pensions, as the case may be, upon his service retirement subsequent to such reinstatement, shall be the sum of (1) a current service pension calculated on the basis of service rendered after reinstatement in accordance with the formula applicable to him in such service and membership, plus (2) his current service pension, or current and prior service pensions, as the case may be, as it was prior to his reinstatement, adjusted for any service on which such pension was based which was included in coverage of the federal system during reinstatement according to the formula applicable to such service in employment for which he was retired, and further adjusted according to any change after reinstatement in the provisions governing the calculation of his pension which would have applied to him had he continued in retirement but been subject to the formula applied in the first adjustment; provided, that such subsequent retirement occurs before he renders, after his reinstatement, at least one year of state service credited under this system; or if he has rendered one year or more of such state service after reinstatement, in lieu of (2), plus (3) a current service pension based on current service rendered prior to such reinstatement, calculated on the basis of the formula currently applicable to the employment in which the service was rendered but on the basis of an age taken to the preceding completed quarter year but not less than the minimum retirement age applicable to

him at his last retirement and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from nonindustrial disability retirement, the current service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service credited under the system shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if the retirement is for disability.

The current service pension otherwise payable under this section to a member whose allowance prior to reinstatement was paid pursuant to his election under Section 21338 shall be reduced by the actuarial equivalent, on the date of retirement subsequent to reinstatement, of the amount (converted as below), if any, by which—

(a) The total amount, paid in the period during which a temporary annuity was included in the payments, said amount being reduced by the total amount that would have been payable during said period had said election not been made; exceeds

(b) The excess of the total amount that would have been payable, had said election not been made, during the time subsequent to said period and prior to reinstatement over the total amount actually paid during said time.

The amount determined by the above formula shall be converted to an amount equaling the actuarial equivalent on the date of reinstatement and this latter amount shall be the basis of the actuarial equivalent, on the date of retirement subsequent to reinstatement.

Actuarial equivalents required by this section shall be based on the interest rate and mortality tables in use by this system on the date of retirement subsequent to reinstatement.

Notwithstanding this section, or any other provision of this part, the current service pension payable to any member subject to this section who rendered one year or more of state service credited under the system after reinstatement on retirement for service subsequent to reinstatement from service retirement for any credited service for which a current service pension was paid prior to reinstatement shall not be less than the current service pension which would be payable on the date of such subsequent retirement had the member not been reinstated, adjusted, however, by any reduction under this section because of an election under Section 21338 and, for any service so credited which was included in coverage of the fed-

eral system during reinstatement, according to the formula applicable to such service in employment from which he was retired.

SEC. 2. Section 21261 of the Government Code is amended to read:

21261. The prior service pension of a member reinstated from service retirement, upon his subsequent service retirement, shall be in the same amount as his prior service pension prior to his reinstatement, adjusted for any service on which such pension was based which was included in coverage of the federal system during reinstatement according to the formula applicable to such service in employment from which he was retired, and further adjusted according to any change in the provisions governing the calculation of such pensions, using the formula applied in the first adjustment, made after such reinstatement and applicable to pensions being paid at the date of the change; provided, that such subsequent retirement occurs before he renders after his reinstatement at least one year of state service credited under this system; otherwise the prior service pension calculated on the basis of an age, taken to the preceding completed quarter year but not less than the minimum retirement age applicable to him at his last retirement, and determined by deducting from his age at his subsequent retirement, the aggregate time during which he was under retirement. For such a member reinstated from non-industrial disability retirement, the prior service pension upon his service retirement after attaining an age one year less than the minimum age at which he could have retired without an actuarial discount because of age in the employment from which he was last retired, or upon his disability retirement after attaining such minimum age, and subsequent to such reinstatement, shall be calculated in the manners described in the preceding sentence, but the age determined upon subsequent retirement after rendering at least one year of state service, shall not be taken at less than one year less than such minimum age if the subsequent retirement is for service, or such minimum age if such retirement is for disability.

The prior service pension otherwise payable under this section to a member whose allowance prior to reinstatement was paid pursuant to his election under Section 21338 shall be reduced by the actuarial equivalent, on the date of retirement subsequent to reinstatement, of the amount, if any (converted as below), by which—

(a) The total amount paid in the period during which a temporary annuity was included in the payments, said amount being reduced by the total amount that would have been payable during said period had said election not been made; exceeds

(b) The excess of the total amount that would have been payable, had said election not been made, during the time subsequent to said period and prior to reinstatement over the total amount actually paid during said time.

The amount determined by the above formula shall be converted to an amount equaling the actuarial equivalent on the date of reinstatement. The latter amount shall be the basis of the actuarial equivalent, on the date of retirement subsequent to reinstatement.

Actuarial equivalents required by this section shall be based on the interest rate and mortality tables in use by this system on the date of retirement subsequent to reinstatement.

Notwithstanding this section, or any other provision of this part, the prior service pension payable to any member subject to this section who rendered one year or more of state service credited under the system after reinstatement on retirement for service subsequent to reinstatement from service retirement for any credited service for which a prior service pension was paid prior to reinstatement shall not be less than the prior service pension which would be payable on the date of such subsequent retirement had the member not been reinstated, adjusted, however, by any reduction under this section because of an election under Section 21338 and, for any service so credited which was included in coverage of the federal system during reinstatement, according to the formula applicable to such service in employment from which he was retired.

CHAPTER 459

An act to add Section 1752 to the Government Code, relating to public offices.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1752 is added to the Government Code, to read:

1752. No person elected or appointed to the governing body of any city, county, or district having an elected governing body, shall be appointed to fill any vacancy on such governing body during the term for which he was elected or appointed.

CHAPTER 460

An act to amend Section 939 of the Education Code, relating to superintendents of school districts.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 939 of the Education Code is amended to read:

939. The superintendent of each school district shall, in addition to any other powers and duties granted to or imposed upon him:

(a) Be the chief executive officer of the governing board of the district.

(b) Excepting in districts where the governing board has appointed or designated an employee other than the superintendent, or a deputy, or assistant superintendent, to prepare and submit a budget, prepare and submit to the governing board of the district, at such time as it may direct, the budget of the district for the next ensuing school year, and revise and take such other action in connection with the budget as the board may desire.

(c) Subject to the approval of the governing board, assign all employees of the district employed in positions requiring certification qualifications, to the positions in which they are to serve. Such power to assign includes the power to transfer a teacher from one school to another school at which the teacher is certificated to serve within the district when the superintendent concludes that such a transfer is in the best interest of the district.

(d) Upon adoption, by the district board, of a district policy concerning transfers of teachers from one school to another school within the district, have authority to transfer teachers consistent with such policy.

(e) Determine that each employee of the district in a position requiring certification qualifications has a valid certificated document registered as required by law authorizing him to serve in the position to which he is assigned.

(f) Enter into contracts for and on behalf of the district pursuant to Section 15961.

CHAPTER 461

An act to amend Sections 10249.3, 10249.4, 10249.5, 11011, 11011.05, 11011.1, 11011.5 and 11011.12 of, and to add Section 11011.8 to the Business and Professions Code, relating to real estate.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10249.3 of the Business and Professions Code is amended to read:

10249.3. The fee for filing an application for a permit required by this article shall not exceed five hundred dollars (\$500) per subdivision, plus three dollars (\$3) for each lot in the subdivision.

SEC. 2. Section 10249.4 of the Business and Professions Code is amended to read:

10249.4. The fee for filing an application for a renewal permit required by this article shall not exceed one hundred dollars (\$100).

SEC. 3. Section 10249.5 of the Business and Professions Code is amended to read:

10249.5. The fee for filing an application for an amended permit required by this article shall not exceed three hundred dollars (\$300).

SEC. 4. Section 11011 of the Business and Professions Code is amended to read:

11011. After receiving the notice of intention, the commissioner may require such additional information concerning the project as he deems necessary, for which purpose he may prepare a questionnaire for the owner, his agent or subdivider, to answer. A filing fee not to exceed fifty dollars (\$50), plus three dollars (\$3) for each lot in the subdivision, shall accompany the answered questionnaire.

SEC. 5. Section 11011.05 of the Business and Professions Code is amended to read:

11011.05. The fee for filing an application for a preliminary, amended or renewal subdivision report shall not exceed fifty dollars (\$50).

SEC. 6. Section 11011.1 of the Business and Professions Code is amended to read:

11011.1. With respect to an answered questionnaire in connection with any subdivision described in Section 11004.5 of this code, or any interest therein, a filing fee not to exceed five hundred dollars (\$500) per subdivision, plus three dollars (\$3) for each lot, parcel, apartment or unit in said subdivision, shall accompany the answered questionnaire. The filing fee provided for in this section shall be in lieu of the filing fee otherwise provided for in Section 11011 of this code.

SEC. 7. Section 11011.5 of the Business and Professions Code is amended to read:

11011.5. The questionnaire concerning any subdivision proposed to be sold or leased as potential mineral, oil or gas property shall be accompanied by a filing fee not to exceed one hundred fifty dollars (\$150).

SEC. 8. Section 11011.8 is added to the Business and Professions Code, to read:

11011.8. The commissioner may periodically by regulation prescribe filing fees lower than the maximum fees provided in Sections 10249.3, 10249.4, 10249.5, 11011, 11011.05, 11011.1, 11011.5, and 11011.12, when he determines such lower fees are sufficient to offset the costs and expenses incurred in the administration of this chapter and Article 8 (commencing with Section 10249) of Chapter 3 of Part 1 of this division. The commissioner shall hold at least one regulation hearing each calendar year, to determine if lower fees should be prescribed.

SEC. 9. Section 11011.12 of the Business and Professions Code is amended to read:

11011.12. The fee for filing an application for a preliminary, amended or renewal subdivision report in connection with any subdivision described in Section 11004.5 of this code, or any interest therein, shall not exceed one hundred dollars (\$100).

CHAPTER 462

An act to amend Sections 30910, 30912, 30920, 30924, 30951, 30968, 30973, 30978, 31040, and 31041 of, to amend the heading of Chapter 4 (commencing with Section 30910) of Division 17 of, and to add Sections 30913.5, 30930.5, and 30930.6 to, the Streets and Highways Code, relating to the Gold Rush Parkway Authority.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Chapter 4 (commencing with Section 30910) of Division 17 of the Streets and Highways Code is amended to read:

CHAPTER 4. GOLD RUSH PARKWAY AUTHORITY ACT

SEC. 2. Section 30910 of the Streets and Highways Code is amended to read:

30910. This chapter may be cited as the Gold Rush Parkway Authority Act.

SEC. 3. Section 30912 of the Streets and Highways Code is amended to read:

30912. "Authority" means the Gold Rush Parkway Authority.

SEC. 4. Section 30913.5 is added to the Streets and Highways Code, to read:

30913.5. "Parkway" means any parkway, as defined in Section 885.3, which the authority is authorized to finance, construct, operate, and maintain within the Counties of Placer, El Dorado, and Sacramento.

SEC. 5. Section 30920 of the Streets and Highways Code is amended to read:

30920. The Gold Rush Parkway Authority is hereby created. The authority shall be governed by a board consisting of two members of the Board of Supervisors of Placer County, two members of the Board of Supervisors of El Dorado County, two members of the Board of Supervisors of Sacramento County, and one member appointed by the Governor and serving at his pleasure.

SEC. 6. Section 30924 of the Streets and Highways Code is amended to read:

30924. The authority may sue and be sued in the name of the Gold Rush Parkway Authority.

SEC. 7. Section 30930.5 is added to the Streets and Highways Code, to read:

30930.5. The authority may study the feasibility of, plan, design, finance, construct, operate, and maintain a system of parkways within the Counties of Placer, El Dorado, and Sacramento.

SEC. 8. Section 30930.6 is added to the Streets and Highways Code, to read:

30930.6. The authority is authorized to receive and expend funds from the federal or state government, any city, county, district, or political subdivision of the state, or any public or private agency for purposes of Section 30930.5.

SEC. 9. Section 30951 of the Streets and Highways Code is amended to read:

30951. All bonds authorized pursuant to this chapter shall be issued in the name of the authority and shall constitute obligations of the authority only. Such bonds shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the toll bridge, and that neither the payment of the principal or any part thereof or any interest thereon, constitutes a debt liability, or obligation of the state or of Placer County, El Dorado County, or Sacramento County.

SEC. 10. Section 30968 of the Streets and Highways Code is amended to read:

30968. If a bond issue for the acquisition or construction of the toll bridge is authorized and sold in whole or in part and the authority deems it advisable and advantageous to enlarge or extend the toll bridge or to change the structure or design thereof in order to afford new or greater facilities for any type or class of traffic, the authority may issue additional bonds for the purpose of enlarging or extending the toll bridge or changing the structure or design thereof in order to afford such new or greater facilities. Such additional bonds shall be issued only if the surrender and cancellation of all outstanding bonds issued for the acquisition or construction of the toll bridge as originally designed can be assured or obtained by call or by consent of the holders thereof. Such additional bonds shall not constitute a debt or obligation of the state or of Placer County, El Dorado County, or Sacramento County, but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such additional bonds.

SEC. 11. Section 30973 of the Streets and Highways Code is amended to read:

30973. Funding or refunding bonds shall not constitute a debt or obligation of the state or of Placer County, El Dorado County, or Sacramento County, but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized pursuant to this chapter. Any and all reserve or other funds applicable to the payment of the bonds funded or refunded, may, if so directed by the authority, be transferred to any reserve or other funds provided with respect to the funding or refunding bonds. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such funding or refunding bonds.

SEC. 12. Section 30978 of the Streets and Highways Code is amended to read:

30978. Bonds issued pursuant to this chapter shall not constitute or be a debt, liability, or obligation of the state or Placer County, El Dorado County, or Sacramento County. The payment of both principal and interest of all bonds shall be secured only by the tolls or other revenues collected from the toll bridge, other revenues and interest thereon, and sinking funds created therefrom received by the authority, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this chapter.

SEC. 13. Section 31040 of the Streets and Highways Code is amended to read:

31040. After all bonds issued pursuant to this chapter for the construction of the toll bridge have been fully redeemed and paid, the authority shall either:

(a) Transfer the toll bridge to the Counties of Placer, El Dorado, and Sacramento for operation and maintenance as a county road by the three counties free of tolls under an agreement executed pursuant to Article 1 (commencing with Section 6500) of Chapter 5, Division 7, Title 1 of the Government Code, which agreement shall provide, among other things, that the toll bridge shall either be operated and maintained free of tolls or that the rates of tolls shall be adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll bridge under economical management; or

(b) Operate and maintain the toll bridge itself either free of tolls or at rates of toll adjusted so as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the toll bridge under economical management.

SEC. 14. Section 31041 of the Streets and Highways Code is amended to read:

31041. If the toll bridge and the system of parkways are transferred to the Counties of Placer, El Dorado, and

Sacramento pursuant to subdivision (a) of Section 31040, the existence of the authority shall thereupon automatically terminate, and all property, funds, and records relating to the toll bridge shall be transferred to the counties, or to any entity designated in the agreement between the counties, as authorized by Section 6506 of the Government Code, and thereafter the counties, or such entity, shall be responsible for the maintenance, repair, and operation of the toll bridge, and for the fulfillment of any outstanding contracts executed by the authority and the payment of any outstanding debts or liabilities incurred by the authority.

CHAPTER 463

An act to amend Section 1 of Chapter 1318 of the Statutes of 1968, relating to state lands.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1318 of the Statutes of 1968 is amended to read:

Section 1. The Director of General Services is hereby authorized to sell, exchange, lease, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 2.5 acres located in the County of Nevada, within the city limits of Truckee, California, being the former Truckee Agricultural Inspection Station.

Parcel 2. The land and facilities upon which the former Marysville Forest Ranger Unit Headquarters were located, described as Lots 1-8 inclusive in Block 2, Range "Sampson", as shown on the official map of the City of Marysville.

Parcel 3. Approximately 17.18 acres in the County of Placer, located along Highway 49 near Auburn, California, being the former Auburn Forest Ranger Station.

Parcel 4. An area not to exceed 310 feet by 290 feet in the County of Imperial, on the North side of Main Street approximately 300 feet West of Imperial Avenue in El Centro, California, being the former El Centro General Services Office Building site. The net proceeds received from the disposition of such property, subject to Section 3 hereof, shall be paid into the General Fund after an amount equal to the current appraised value of an adjoining 81 foot by 290 foot parcel (being a portion of the Department of Employment site) is paid into the state's account in the Unemployment Trust Fund in consideration for the transfer of such adjoining parcel to the Department of General Services.

Parcel 5. An area of 81 feet by 290 feet in the County of Imperial, on the North side of Main Street approximately 219 feet West of Imperial Avenue in El Centro, California, being a portion of the former El Centro Employment Office Building site and such portion of Parcel 4 as the Director of General Services determines is needed for an office building site; provided that the purchaser of such property agrees to construct improvements thereon and to lease the same to the State, acting by and through the Director of General Services, with an option in favor of the State to purchase such property and improvements, or providing that the property and improvements shall vest in the State upon expiration of the lease, and otherwise upon such terms and conditions as the Director of General Services deems to be in the best interests of the State.

Parcel 6. Approximately 120 acres in San Bernardino County lying westerly of the City of San Bernardino, described as portions of Lot 3, Lot 4, Lot 5, Lot 8, and all of Lot 9 in Block 51 of Rancho San Bernardino. This property was formerly used as part of the farm operations at Patton State Hospital.

Parcel 7. Approximately 2.89 acres located in San Bernardino County, City of San Bernardino, being a portion of the main hospital grounds at Patton State Hospital and described as a portion of the Southwest quarter of the Southwest quarter of Section 29, Township 1 North, Range 3 West, S. B. B. and M., bounded on the North and East by the Santa Fe Railroad right-of-way, on the West by Victoria Avenue, and on the South by Highland Avenue.

Parcel 8. A parcel of approximately 11.525 square feet located in San Luis Obispo County near Cambria, with frontage along Moonstone Beach Avenue, being a portion of San Simeon State Beach Park and described as a portion of Block 83 of Cambria Pines Unit No. 6.

Parcel 9. Approximately 15.10 acres located in portions of Sections 19 and 20, Township 14 North, Range 14 West, M.D.B. & M., in Mendocino County adjacent to State Highway 128 approximately 6 miles Northwest of Philo, being the Indian Creek State Reserve.

Parcel 10. A grave plot located in the Santa Clara City Cemetery, being one of twelve purchased for the State of California by the Board of Directors of the Women's Relief Corps Home, legally described as Grave No. 408, Section H-2.

Parcel 11. Approximately 37.71 acres in Stanislaus County, located along Washington Avenue near Keyes, California, being the Turkey Testing site of the Poultry Improvement Commission.

Parcel 12. Approximately 8.183 acres in Stanislaus County located along Highway 99 in Modesto, California, being the Poultry Testing Project site of the Poultry Improvement Commission.

Parcel 13. Approximately 200 acres located in Los Angeles County, Northeast of the City of San Fernando, bounded on

the Northwest by Hubbard Street, on the Southwest by Eldridge Street, on the Southeast by Maclay Street, and on the Northeast by Subdivision Tract No. 24742, being the former site of the San Fernando State Hospital; provided that, until November 10, 1974, the power of the Director of General Services in disposing of this property shall be limited to disposition thereof to a public body or local governmental agency upon condition that, notwithstanding any other provision of law, the property shall be dedicated or otherwise devoted exclusively for public park recreational or public educational purposes, or both, and that the Director of General Services may quitclaim this property to a public body or local governmental agency for 33 $\frac{1}{3}$ percent of its current market value, as determined by the Department of General Services. In the event of any such quitclaim, the quitclaim deed shall contain a reversionary clause which shall expressly provide that, whenever the Director of General Services determines that the property has ceased to be dedicated or otherwise devoted exclusively for public park recreational or public educational purposes, all right, title, and interest of the public body or local governmental agency in and to all such property shall cease and all right, title, and interest in the property shall revert and rest in the state.

Parcel 14. Approximately 500 acres located in Sections 11 and 12, Township 12 North, Range 8 East, Mount Diablo Base and Meridian, in Placer County under the jurisdiction of the Department of Finance, commonly known as the Auburn Dam Site.

CHAPTER 464

An act to amend Section 56403 of the Government Code, relating to establishment of subsidiary districts.

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 56403 of the Government Code is amended to read:

56403. An order establishing a district of limited powers as a subsidiary district may be adopted if upon the date of such order:

(a) The entire territory of such district shall be included within the boundaries of a city; or

(b) A portion or portions of the territory of such district shall be included within the boundaries of a city and such portion or portions represent 70 percent or more of the area of taxable or assessable land within such district, as shown on the last equalized assessment roll of the county.

CHAPTER 465

*An act to amend Section 1770 of the Government Code,
relating to vacancies in public office.*

[Approved by Governor July 17, 1970. Filed with
Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1770 of the Government Code is amended to read:

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he will not be able to perform the duties of his office for the remainder of his term. This subdivision shall not apply to offices created by the Constitution nor to federal or state legislators.
- (c) His resignation.
- (d) His removal from office.
- (e) His ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which he was chosen or appointed, or within which the duties of his office are required to be discharged; provided, however, that the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, said incumbent ceases to be an inhabitant of the district for which he was elected or appointed to serve.
- (f) His absence from the state without the permission required by law beyond the period allowed by law.
- (g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- (h) His conviction of a felony or of any offense involving a violation of his official duties.
- (i) His refusal or neglect to file his official oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his election or appointment.
- (k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.
- (l) His commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

CHAPTER 466

An act to amend Sections 13838, 13941, 13961, 13968, 14036, 14071, 14153, 14214, 14397 and 14445 of, to add Sections 13844.8, 13877.5 and 14070.1 to, and to repeal Sections 13942, 13945, 13960, 13967 and 13982 of, the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13838 of the Education Code is amended to read:

13838. "Final compensation" means the highest average annual compensation earnable by a member during any period of three consecutive years during his membership in the system or time during which he was not a member but for which he has received credit under the system, except such time as was so credited pursuant to the provisions of Sections 13999 and 14000.

For the purposes of this section, periods of service separated by breaks in service may be aggregated to constitute a period of three consecutive years, if the periods of service are consecutive except for such breaks.

If a break in service did not exceed six months in duration, time included in the break and compensation earnable during such time is included in computation of final compensation.

If a break in service exceeded six months in duration, the first six months thereof and the compensation earnable during those six months are included in computation of final compensation, but time included in the break which is in excess of six months and the compensation earnable during such excess time shall be excluded in computation of final compensation.

With respect to members whose retirements are effective after June 30, 1956, two or more breaks in service which are separated by periods of service each of which does not exceed one-half year of credited service, shall be added together, and for the purpose of this section, the total shall be considered as one break. Time during which a member is in state service or in the employment of a local school district or of a county superintendent and is also a member of another retirement system to which the state, a county, or the university contributes shall not be considered to be an absence for the purposes of this section, and the determination of the final compensation of such a member shall take into consideration his compensation earnable while he was a member of such other system, providing retirement under this system is concurrent with the member's retirement under the other system.

Retirement allowances, heretofore effective and based on such final compensation, are hereby validated and confirmed.

The board may specify a different final compensation with respect to benefits based on part-time service rendered prior to July 1, 1956, for which credit was given under this system under board rules in effect prior to such date.

SEC. 2. Section 13844.8 is added to the Education Code, to read:

13844.8. "Pay period" means a pay period of not less than four weeks or more than one calendar month.

SEC. 3. Section 13877.5 is added to the Education Code, to read:

13877.5. As often as the board determines necessary, it may audit or cause to be audited the records of any public agency.

SEC. 4. Section 13941 of the Education Code is amended to read:

13941. All teachers employed in the public schools of this state are members of the system unless excluded from membership under Article 7 (commencing with Section 13961) of this chapter.

SEC. 5. Section 13942 of the Education Code is repealed.

SEC. 6. Section 13945 of the Education Code is repealed.

SEC. 7. Section 13960 of the Education Code is repealed.

SEC. 7.5. Section 13961 of the Education Code is amended to read:

13961. Persons employed in a status which is requisite for membership, but who are members of a county retirement system, or school nurses who are members of the Public Employees' Retirement System because of exclusion from membership in this system under Section 13968 as it read prior to July 1, 1970 are excluded from membership in the system. A member so excluded shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14070.

SEC. 8. Section 13967 of the Education Code is repealed.

SEC. 9. Section 13968 of the Education Code is amended to read:

13968. Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health are excluded from membership in the system. The provisions of this section shall not apply to school nurses employed for at least 50 percent of a pay period.

SEC. 10. Section 13982 of the Education Code is repealed.

SEC. 11. Section 14036 of the Education Code is amended to read:

14036. Persons who have been excluded from membership under Section 13963, 13964, 13965, or 13966, and school nurses excluded under Section 13968, who subsequently become members shall receive credit for the service performed while so

excluded provided they elect to pay, and pay, prior to retirement and in a manner provided by the board, contributions with respect to such service with interest at a rate to be determined by the board.

Such contributions shall be equal to what they would have been had they not been excluded from membership but calculated at the rate of contribution first applicable to them as members, or upon their reentry to membership.

The provisions of this section shall not apply to service as a school nurse during which time the person was a member of the Public Employees' Retirement System and was excluded from membership in this system under Section 13968.

SEC. 12. Section 14070.1 is added to the Education Code, to read:

14070.1. When a member's contributions are returned to him, as provided in Section 14070, all rights to benefits pertaining to the service credits represented by those contributions is extinguished. Such rights shall not be restored until the member has redeposited the total of the refunded contributions, and paid the interest thereon as provided in Article 13 (commencing with Section 14080) of this chapter.

SEC. 13. Section 14071 of the Education Code is amended to read:

14071. A member, without terminating his membership, may withdraw shelter contributions standing to the credit of his individual account, together with credited interest after five years from the initial deposit of such contributions but otherwise without credited interest.

SEC. 14. Section 14153 of the Education Code is amended to read:

14153. A member or retirant may at any time designate a beneficiary to receive such benefits as may be payable under this chapter. Such designation shall be in writing in a form prescribed by the system, executed by the member, witnessed by two witnesses, neither of whom may be beneficiaries. The instrument must be received by the system before the member's death.

Such designation of beneficiary, other than a designation under options 2 and 3, may be revoked at the pleasure of the person making the nomination, and a different beneficiary designated in the same manner herein provided.

SEC. 15. Section 14214 of the Education Code is amended to read:

14214. Any member who is qualified for retirement for disability and who is physically or mentally incapacitated for further service may be retired for disability by the board upon his application, or upon the application of his guardian or conservator, if the board determines, on the basis of competent medical opinion secured by it, that the incapacity is of a permanent or of an extended and uncertain duration, and such application is made:

(a) While the member is employed in a position requiring membership in this system and is receiving compensation because of such employment, or

(b) While he is serving in the active military service of the United States, or in any other service stated in Section 13994 provided that time in such service will qualify for credit as service under this system, or

(c) While he is physically or mentally incapacitated for performance of his duty and such incapacity has been continuous from the last day for which compensation was paid to him, or

(d) While he is on a leave of absence without compensation, granted for reason other than serving in services included in subdivision (b) of this section, or mental or physical incapacity for performance of his duty, and within 18 months after the last day of employment for which compensation was paid, or

(e) When he is retired concurrently under the Public Employees' Retirement System as a state member thereof, or under a retirement system of the University of California, or

(f) Within four months after the termination of the member's employment in a position requiring membership in this system provided, first, that such application was not made under the provisions of subdivision (b) or (c), and, second, that such application was not made more than 18 months after the last day for which compensation was paid to him.

SEC. 16. Section 14397 of the Education Code is amended to read:

14397. If any person entitled to a benefit from the system is a minor who has no guardian of his estate, the benefit, not to exceed two thousand dollars (\$2,000), may be paid to the person entitled to the custody of the minor to hold for the minor, upon the written statement, duly acknowledged and verified, of the person that the total estate of the minor does not exceed two thousand five hundred dollars (\$2,500) in value.

The payment shall constitute full discharge of any and all liabilities of the board and system.

The person shall account to the minor for the money when the minor reaches the age of majority.

Notwithstanding the provisions of this section, a natural parent having custody of the minor will not be required to establish a guardianship for the purpose of collecting a survivor benefit.

SEC. 17. Section 14445 of the Education Code is amended to read:

14445. If a member, who has been an employee of a district which has paid employer contributions to the federal government under the Federal Social Security Act, ceases to be entitled to benefits under another retirement system, except social security, he may deposit contributions and interest as provided in Section 14440, and notwithstanding the provisions of Sections 14240 and 14245, the member is entitled to credit

for service as a non-local-fund member. If the member deposits such contributions and interest his retirement allowance prior to modification under an option shall be reduced by an amount equal to the pro rata portion of one-half of his individual social security benefit calculated on the service on which such employer contributions were based.

SEC. 18. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The school year for purposes of teachers' retirement commences on July 1, and in order to qualify persons being brought under the teachers' retirement system by this act for the fiscal year 1970-71, the act must be in effect on or prior to July 1, 1970.

CHAPTER 467

An act to amend Section 395 of the Military and Veterans Code, relating to public employees.

[Approved by Governor July 17, 1970. Filed with Secretary of State July 17, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 395 of the Military and Veterans Code is amended to read:

395. Any public employee who is a member of the reserve corps of the armed forces of the United States or of the National Guard or the Naval Militia shall be entitled to a temporary military leave of absence while engaged in military duty ordered for purposes of active military training, encampment, naval cruises, special exercises or like activity as such member, providing that the period of ordered duty does not exceed 180 calendar days, including time involved in going to and returning from such duty, and provided that military leave of absence is not authorized for periods of inactive military duty.

He shall have an absolute right to be restored to his former office or position and status formerly had by him in the same locality and in the same office, board, commission, agency, or institution of the public agency upon the termination of such temporary military duty. If the office or position has been abolished or otherwise has ceased to exist during his absence, he shall be reinstated to a position of like seniority, status, and pay if such position exists, or if no such position exists he shall have the same rights and privileges that he would have had if he occupied the position when it ceased to exist and had not taken temporary military leave of absence.

Any public employee who has been in the service of the public agency from which the leave is taken for a period of not less than one year immediately prior to the date upon which his temporary military leave of absence begins, shall receive the same vacation, sick leave, and holiday privileges and the same rights and privileges to promotion, continuance in office, employment, reappointment to office, or reemployment that he would have enjoyed had he not been absent therefrom; excepting that an uncompleted probationary period if any in the public agency must be completed upon reinstatement as provided by law or rule of the agency. For the purposes of this section, in determining the one year of service in a public agency all service of said public employee in recognized military service shall be counted as public agency service.

CHAPTER 468

An act to add Article 3 (commencing with Section 25429) to Chapter 1 of Division 18.5 of the Education Code, and to amend Section 830.3 of the Penal Code, relating to community college police.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 25429) is added to Chapter 1 of Division 18.5 of the Education Code, to read:

Article 3. Community College Police

25429. The governing board of a community college district may establish a community college police department and employ, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10 such personnel as may be necessary for its needs.

Persons employed and compensated as members of a community college police department, when so appointed and duly sworn, are peace officers only upon the campus of the community college and in or about other grounds or properties owned, operated, controlled, or administered by the community college, or the state on behalf of the community college.

25429.1. Every member of a community college police department shall be supplied with, and authorized to wear, a badge bearing the words "Community College Police", prefaced by the name of the district, and shall be issued a suitable identification card bearing his physical description, photograph, and authority for peace officer status, countersigned by the chief administrative officer of the district. The governing board may direct the wearing of a distinctive uniform and

shall prescribe such a uniform. The governing board shall pay for the required uniforms, equipment, identification cards, and badges.

SEC. 2. Section 830.3 of the Penal Code is amended to read:

830.3. (a) The Deputy Director and the Assistant Director of the Department of Justice, the Chief, Assistant Chief, and special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief, and narcotics agents of the Bureau of Narcotic Enforcement, and such investigators who are so designated by the Attorney General, are peace officers.

The authority of any such peace officer extends to any place in the state as to a public offense committed or which there is probable cause to believe has been committed within the state.

(b) Any inspector or investigator regularly employed and paid as such in the office of a district attorney is a peace officer.

The authority of any such peace officer extends to any place in the state:

(1) As to any public offense committed, or which there is probable cause to believe has been committed, within the county which employs him; or

(2) Where he has the prior consent of the chief of police, or person authorized by him to give such consent, if the place is within a city or of the sheriff, or person authorized by him to give such consent, if the place is within a county; or

(3) As to any public offense committed or which there is probable cause to believe has been committed in his presence, and with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of such offense.

(c) The Director of the Department of Alcoholic Beverage Control and persons employed by such department for the enforcement of the provisions of Division 9 (commencing with Section 23000) of the Business and Professions Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to alcoholic beverages, as that duty is set forth in Section 25755 of the Business and Professions Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any premises licensed pursuant to the Alcoholic Beverage Control Act.

(d) The Chief and investigators of the Division of Investigation of the Department of Professional and Vocational Standards are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.

(e) Members of the Wildlife Protection Branch of the Department of Fish and Game deputized pursuant to Section 856 of the Fish and Game Code, deputies appointed pursuant

to Section 851 of such code, and county fish and game wardens appointed pursuant to Section 875 of such code are peace officers; provided, that the primary duty of deputized members of the Wildlife Protection Branch, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of any other peace officer listed in this subdivision, shall be the enforcement of the provisions of the Fish and Game Code, as such duties are set forth in Sections 856, 851 and 878, respectively, of such code.

(f) The State Forester and such employees or classes of employees of the Division of Forestry of the Department of Conservation and voluntary fire wardens as are designated by him pursuant to Section 4156 of the Public Resources Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 4156 of such code.

(g) Officers and employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 1655 of such code.

(h) The secretary, chief investigator, and racetrack investigators of the California Horse Racing Board are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the provisions of Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code and Chapter 10 (commencing with Section 330) of Title 9 of Part 1 of the Penal Code. Any such peace officer is further authorized to enforce any penal provision of law while, in the course of his employment, he is in, on, or about any horseracing enclosure licensed pursuant to the Horse Racing Law.

(i) Police officers of a regional park district, appointed or employed pursuant to Section 5561 of the Public Resources Code, and officers and employees of the Department of Parks and Recreation designated by the director pursuant to Section 5008 of such code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as such duties are set forth in Sections 5561 and 5008, respectively, of such code.

(j) Members of the University of California Police Department appointed pursuant to Section 23501 of the Education Code are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 23501 of the Education Code.

(k) Policemen of the San Francisco Port Authority are peace officers; provided, that the primary duty of any such peace officer shall be the enforcement of the laws relating to the San Francisco Harbor, as that duty is set forth in Part 1 (commencing with Section 1690) of Division 6 of the Harbors and Navigation Code.

(l) The State Fire Marshal and assistant or deputy state fire marshals appointed pursuant to Section 13103 of the Health and Safety Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 13104 of such code.

(m) Members of an arson-investigating unit, regularly employed and paid as such, of a fire protection agency of the state, of a county, city, or district, and members of a fire department of a local agency regularly paid and employed as such, are peace officers; provided, that the primary duty of arson investigators shall be the detection and apprehension of persons who have violated or who are suspected of having violated any fire law, and the exclusive duty, except as provided in Section 1509.7 of the Military and Veterans Code, of fire department members other than arson investigators when acting as peace officers shall be the enforcement of laws relating to fire prevention and fire suppression. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, members of fire departments other than arson investigators are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(n) The Chief and such inspectors of the Bureau of Food and Drug Inspections as are designated by him pursuant to subdivision (a) of Section 216 of the Health and Safety Code are peace officers; provided, that the exclusive duty of any such peace officer shall be the enforcement of the law as that duty is set forth in Section 216 of such code.

(o) Persons designated by a local agency as park rangers, and regularly employed and paid as such, are peace officers; provided, that the primary duty of any such peace officer shall be the protection of park property and preservation of the peace therein. Notwithstanding the provisions of Section 171c, 171d, 12027, or 12031, such park rangers are not peace officers for purposes of such sections except when designated as peace officers for such purposes by local ordinance or, if the local agency is not authorized to act by ordinance, by resolution.

(p) Members of a community college police department appointed pursuant to Section 25429 of the Education Code are peace officers; provided that the primary duty of any such peace officer shall be the enforcement of the law as prescribed in Section 25429 of the Education Code.

(q) The authority of any peace officer listed in subdivisions (e) through (p), inclusive, extends to any place in the state; provided, that except as otherwise provided in this section, Section 830.6, or Section 1509.7 of the Military and Veterans Code, any such peace officer shall be deemed a peace officer only for purposes of his primary duty, and shall not act as a peace officer in enforcing any other law except:

(1) When in pursuit of any offender or suspected offender;
or

(2) To make arrests for crimes committed, or which there is probable cause to believe have been committed, in his presence while he is in the course of his employment; or

(3) When, while in uniform, such officer is requested, as a peace officer, to render such assistance as is appropriate under the circumstances to the person making such request, or to act upon his complaint, in the event that no peace officer otherwise authorized to act in such circumstances is apparently and immediately available and capable of rendering such assistance or taking such action.

CHAPTER 469

An act to amend Section 21200.5 of the Financial Code, relating to pawnbroker charges.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21200.5 of the Financial Code is amended to read:

21200.5. A pawnbroker may charge as prescribed in the following schedule:

Schedule of Charges

(a) A charge not exceeding one dollar (\$1) may be made on any loan for not more than 30 days which does not exceed fourteen dollars and ninety-nine cents (\$14.99).

(b) A charge not exceeding three dollars (\$3) may be made on any loan for not more than 90 days of fifteen dollars (\$15) or more, but not exceeding twenty-four dollars and ninety-nine cents (\$24.99).

(c) A charge not exceeding five dollars (\$5) may be made on any loan for not more than 90 days of twenty-five dollars (\$25) or more, but not exceeding forty-nine dollars and ninety-nine cents (\$49.99).

(d) A charge not exceeding seven dollars and fifty cents (\$7.50) may be made on any loan for not more than 90 days on any loan of fifty dollars (\$50) or more, but not exceeding seventy-four dollars and ninety-nine cents (\$74.99).

(e) A charge not exceeding ten dollars (\$10) may be made on any loan for not more than 90 days of seventy-five dollars (\$75) or more, but not exceeding one hundred forty-nine dollars and ninety-nine cents (\$149.99).

(f) A charge of ten dollars (\$10) may be made on any loan of one hundred fifty dollars (\$150) or more, if the compensation under any of the maximums specified by Section 21200 for such loan does not exceed ten dollars (\$10).

(g) The charge for any extension or renewal of a loan covered by this section shall be computed in accordance with the provisions of Section 21200 of this code.

The schedule of charges prescribed by this section shall be posted in a place clearly visible to the general public.

CHAPTER 470

An act to amend Section 2913 of the Business and Professions Code, relating to psychological assistants, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2913 of the Business and Professions Code is amended to read:

2913. A person other than a licensed psychologist may be employed by a licensed psychologist, by a licensed physician and surgeon who is board certified in psychiatry by the board of psychiatry and neurology of the American Medical Association, by a clinic which provides mental health services under contract pursuant to Section 5614 of the Welfare and Institutions Code, or by a psychological corporation registered under Section 2995.2 of the Business and Professions Code, to perform limited psychological functions provided that:

(a) Such person is termed a "psychological assistant."

(b) Such person has completed at least one fully matriculated year of graduate training in psychology from an accredited or approved university or college.

(c) Such person is at all times under the supervision of a licensed psychologist, or board certified psychiatrist, who shall be responsible for insuring that the extent, kind, and quality of the psychological services he performs are consistent with his training and experience and be responsible for his obedience to the provisions of this chapter and regulations duly adopted hereunder, including those provisions set forth in Section 2960.

(d) The licensed psychologist, board certified psychiatrist, contract clinic, or psychological corporation, has submitted to the committee the name of, the professional qualifications of, and the psychological functions to be performed by, such psychological assistant.

No licensed psychologist, contract clinic, or psychological corporation may register, employ or supervise more than three such psychological assistants at any given time unless specifically authorized to do so by the committee. No board-certified psychiatrist may register, employ, or supervise more than one such psychological assistant at any given time. No

psychological assistant may provide psychological services to the public for a fee, monetary or otherwise except as an employee of a licensed psychologist, licensed physician, contract clinic, or psychological corporation that specializes in psychiatry.

(e) Such psychological assistant shall comply with regulations that the committee may, from time to time, duly adopt relating to the fulfillment of requirements in continuing education.

(f) No person shall practice as a psychological assistant who is found by the committee to be in violation of the provisions of Section 2960 and the rules and regulations duly adopted thereunder.

SEC. 2. This is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that counties be able to utilize all available mental health resources under county Short-Doyle plans it is necessary that they utilize the services of psychological assistants working in private mental health clinics under the supervision of licensed psychologists or board certified psychiatrists. To accomplish immediately this desirable use of such resources it is necessary that this act go into immediate effect.

CHAPTER 471

An act to amend Sections 31453, 31454, 31459, 31520, 31521, 31595, 31595.1, 31595.3, 31595.4, 31595.5, and 31680 of, and to add Sections 31520.2 and 31601.1 to the Government Code, and to amend Section 1372 of the Financial Code, relating to county retirement systems.

[Approved by Governor July 21, 1970. Filed with Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31453 of the Government Code is amended to read:

31453. An actuarial valuation shall be made within one year after the date on which any system established under this chapter becomes effective, and thereafter at not to exceed five-year intervals. The valuation shall be conducted under the supervision of an actuary and shall cover the mortality, service, and compensation experience of the members and beneficiaries, and shall evaluate the assets and liabilities of the retirement fund. Upon the basis of the investigation, valuation, and recommendation of the actuary, the board shall recommend to the board of supervisors such changes in the rates

of interest, in the rates of contributions of members, and in county and district appropriations as are necessary. With respect to the rates of interest to be credited to members and to the county or district, the board may, in its sound discretion, recommend a rate which is higher or lower than the interest assumption rate established by the actuarial survey. No adjustment shall be included in the new rates for time prior to the effective date of the revision.

SEC. 2. Section 31454 of the Government Code is amended to read:

31454. The board of supervisors shall immediately adjust the rates of interest, the rates of contributions of members, and county and district appropriations in accordance with the recommendations of the board, but shall not fix them in such amounts as to reduce the individual benefits provided in this chapter.

SEC. 3. Section 31459 of the Government Code is amended to read:

31459. (a) In a county in which a board of investments has been established pursuant to Section 31520.2:

(1) As used in Sections 31453, 31454, 31454.5, 31472, 31528, 31591, the first paragraph of Section 31592.2, Sections 31592.3, 31594, 31595, 31595.1, 31595.3, 31595.4, 31595.5, 31596, 31603, 31604, 31605, 31607, and 31625, "board" means board of investment.

(2) Sections 31522, 31523, 31524, 31525, 31529, 31680, and 31680.1 apply to both the board of retirement and board of investment, and "board" means both "board of retirement" and "board of investment."

(b) In Article 17 (commencing with Section 31880) of this chapter, "board" means the Board of Administration of the Public Employees' Retirement System.

(c) In all other cases "board" means the board of retirement.

SEC. 4. Section 31520 of the Government Code is amended to read:

31520. Except as otherwise delegated to the board of investment, the management of the retirement system is vested in the board of retirement, consisting of five members, one of whom shall be the county treasurer. The second and third members of the board shall be active members of the association elected by it within 30 days after the retirement system becomes operative in a manner determined by the board of supervisors. The fourth and fifth members shall be qualified electors of the county who are not connected with county government in any capacity, except one may be a supervisor and one may be a retired member, and shall be chosen by the board of supervisors. The first persons chosen as the second and fourth members shall serve for two years from the date the

system becomes operative and the third and fifth members shall serve for a term of three years from that date. Thereafter the terms of office of the four elected members are three years.

As used in this section "active member" means a member in the active service of a county, district, municipal court or superior court and a "retired member" means a member retired for service or disability.

SEC. 5. Section 31520.2 is added to the Government Code, to read:

31520.2. In any county in which the assets of the retirement system exceed eight hundred million dollars (\$800,000,000), the board of supervisors may, by resolution, establish a board of investments. The board shall consist of seven members, one of whom shall be the county treasurer. The second and third members shall be general members of the association elected by the general membership of the association for a three-year term and, on the effective date of the amendment to this section during the 1970 Regular Session, shall also be members of the board of retirement. The fourth member shall be a safety member elected by the safety membership of the association for a three-year term and, on the effective date of the amendment to this section during the 1970 Regular Session, shall also be a member of the board of retirement. The fifth, sixth, and seventh members shall be qualified electors of the county who are not connected with county government in any capacity, and shall be appointed by the board of supervisors. They shall also have had significant experience in institutional investing, either as investment officer of a bank, or trust company; or as investment officer of an insurance company, or in an active, or advisory, capacity as to investments of institutional or endowment funds. The first person chosen as a fifth, sixth, or seventh member, shall serve for three years, the second person chosen shall serve a four-year term, and the third person chosen shall serve a two-year term. Thereafter, all terms of all appointed members shall be three years. The general members and the safety member shall serve on the board of investment until their current term as members of the board of retirement expires.

The board of investment shall be responsible for all investments of the retirement system.

SEC. 6. Section 31521 of the Government Code is amended to read:

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of seven members, the fourth, fifth and sixth members and in counties having a board of investments under Section 31520.2, the fourth, fifth, and sixth members of such board of investment, shall receive compensation at a rate of not more than one hundred dollars (\$100) a meeting for not more than three meetings per month.

SEC. 7. Section 31595 of the Government Code is amended to read:

31595. All funds received by the county treasurer not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in the state or which have been certified as legal investments for savings banks pursuant to Division 10 of the Water Code, or any bonds which, pursuant to the statutes or laws providing for the issuance of such bonds are entitled to the same force or value or use as bonds issued by any municipality, or any bonds issued pursuant to those acts, statutes or laws of this state wherein such law specifically states by reference or otherwise that such bonds shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state, or any bonds which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval and by authority of which said bonds are declared to be legal investments for insurers.

(b) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(c) Certificates and shares of a building and loan association or a federal savings and loan association if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(d) Registered warrants of any political subdivision of this state.

(e) Real property or improvements constructed or to be constructed on real property when such real property or such improvements are acquired for sale or lease to a county of this state and subject to the limitations of this article.

(f) Deeds of Trust and Mortgages. Not to exceed 25 percent of all funds invested may be invested pursuant to this subdivision. Such investment may be made by the board with the approval of the board of supervisors of said county.

SEC. 8. Section 31595.1 of the Government Code is amended to read:

31595.1. Notwithstanding the provisions of Section 31595, funds received by the county treasurer not required for current disbursements may be invested in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents (\$0.10) for each one hundred dollars (\$100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is

made. Such investment may be made by the board with the approval of the board of supervisors of the county.

Sec. 9. Section 31595.3 of the Government Code is amended to read:

31595.3. The board shall employ investment counsel or trust companies or trust departments of banks to render service in connection with the board's investment program and shall pay for such service as provided in subdivision (d) of Section 31596.

Sec. 10. Section 31595.4 of the Government Code is amended to read:

31595.4. Notwithstanding the provisions of Section 31595, in addition to such other investments as are authorized by this article, the board may in its discretion under the advice of proper counsel invest the assets of the retirement fund in an amount, determined on the basis of cost, not to exceed 10 percent of the assets in the first two years after the effective date of this section, not to exceed 15 percent during the third year after the effective date of this section, and not to exceed 25 percent thereafter, in common stock or shares, and not to exceed 2 percent of the assets in the first year after the effective date of this section, not to exceed 3 percent during the second year after the effective date of this section, and not to exceed 5 percent thereafter, in preferred stock or shares, of corporations created or existing under the laws of the United States, or any state, district, or territory thereof; provided that

(a) Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended. Such registration shall not be required with respect to the following stocks:

(1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

(2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

(3) Any preferred stock.

(b) Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

(c) Bonds of such a corporation, if any are outstanding, qualify for investment of the retirement fund, and that there are no arrears of dividend payments on its preferred stock;

(d) Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last three years;

(e) Such investment in any one company may not exceed 5 percent of the common shares outstanding; and

(f) No single common stock investment, based on cost, may exceed 2 percent of the assets of the fund.

SEC. 11. Section 31595.5 of the Government Code is amended to read:

31595.5. The board may also invest in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 12. Section 31601.1 is added to the Government Code, to read:

31601.1. In counties having a board of investments pursuant to Section 31520.2, an investment in real property shall only be made by a unanimous vote of the members of the board of investment and a four-fifths vote of the board of supervisors of the county in which the system is established.

SEC. 13. Section 31680 of the Government Code is amended to read:

31680. A member retired for service or disability shall not be paid for any service rendered by him to the county or district after the date of his retirement, except: (a) As specifically provided in this chapter. (b) Pursuant to Section 31733. (c) The county or district may pay and such retired member may receive: (1) rewards for ideas or suggestions made by such retired member for the improvement of county or district activities; (2) compensation for his services on the board.

As herein used the term "services rendered" shall refer to service rendered as an officer or employee of the county or district and shall not refer to services performed by a retired officer or employee as an independent contractor engaged by a county or district under a bona fide contract for services within the purview of Section 31000 of this code.

SEC. 14. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act or in bonds, debentures, and notes legal for

investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section, or in which savings banks are authorized to invest their funds by any other law of this state.

The funds of the Public Employees' Retirement System and the Legislators' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of the State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of such system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the Teachers' Retirement Board it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the board of investments where there is one, otherwise of the board of retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

The funds of any public retirement system to which this section applies, other than the State Teachers' Retirement System, may be invested in any stocks or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); except that the total investment in such stocks and shares, together with stocks and shares of all other corporations, may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

CHAPTER 472

An act to amend Section 11580.2 of the Insurance Code, relating to uninsured motorists.

[Approved by Governor July 21, 1970 Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.2 of the Insurance Code is amended to read:

11580.2. (a) No policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be issued or delivered in this state to the owner or operator of a motor vehicle, or shall be issued or delivered by any insurer licensed in this state upon any motor vehicle then principally used or principally garaged in this state, unless the policy contains, or has added to it by endorsement, a provision with coverage limits at least equal to the financial responsibility requirements specified in Section 16059 of the Vehicle Code insuring the insured, his heirs or his legal representative for all sums within such limits which he or they, as the case may be, shall be legally entitled to recover as damages for bodily injury or wrongful death from the owner or operator of an uninsured motor vehicle. The insurer and any named insured, prior to or subsequent to the issuance or renewal of a policy, may, by agreement in writing, delete the provision covering damage caused by an uninsured motor vehicle. Such deletion by any named insured shall be binding upon every insured to whom such policy or endorsement provisions apply. A policy shall be excluded from the application of this section if the only coverage with respect to the use of any motor vehicle is limited to the continuing liability arising out of the use of nonowned motor vehicles.

(b) As used in (a) above, "bodily injury" includes sickness or disease, including death, resulting therefrom; the term "named insured" means only the individual or organization named in the declarations of the policy of motor vehicle bodily injury liability insurance referred to in (a) above; as used in (a) above the term "insured" means the named insured and the spouse of the named insured and relatives of either while residents of the same household while occupants of a motor vehicle or otherwise, heirs and any other person while in or upon or entering into or alighting from an insured motor vehicle and any person with respect to damages he is entitled to recover for care or loss of services because of bodily injury to which the policy provisions or endorsement apply; the term "insured motor vehicle" means the motor vehicle described in the underlying insurance policy of which the uninsured motorist endorsement or coverage is a part, a temporary substitute

or a newly acquired automobile for which liability coverage is provided in the policy if the motor vehicle is used by the named insured or with his permission or consent, express or implied, and any other automobile not owned by the named insured or any resident of the same household while being operated by the named insured or his spouse if a resident of the same household, but the term "insured motor vehicle" shall not include any automobile while used as a public or livery conveyance. The term "uninsured motor vehicle" means a motor vehicle with respect to the ownership, maintenance or use of which there is no bodily injury liability insurance or bond applicable at the time of the accident, or there is such applicable insurance or bond but the company writing the same denies coverage thereunder or refuses to admit coverage thereunder except conditionally or with reservation, or a motor vehicle used without the permission of the owner thereof if there is no bodily injury liability insurance or bond applicable at the time of the accident with respect to the owner or operator thereof, or the owner or operator thereof be unknown, provided that, with respect to an "uninsured motor vehicle" whose owner or operator is unknown:

(1) The bodily injury has arisen out of physical contact of such automobile with the insured or with an automobile which the insured is occupying.

(2) The insured or someone on his behalf shall have reported the accident within 24 hours to the police department of the city where the accident occurred or, if the accident occurred in unincorporated territory then either to the sheriff of the county where the accident occurred or the local headquarters of the California Highway Patrol, and have filed with the insurer within 30 days thereafter a statement under oath that the insured or his legal representative has or the insured's heirs have a cause of action arising out of such accident for damages against a person or persons whose identity is unascertainable and set forth facts in support thereof. The term "uninsured motor vehicle" shall not include an automobile owned by the named insured or any resident of the same household or self-insured within the meaning of the safety responsibility law of the state in which the motor vehicle is registered or which is owned by the United States of America, Canada, a state or political subdivision of any such government or an agency of any of the foregoing, or a land motor vehicle or trailer operated on rails or crawlertreads or while located for use as a residence or premises and not as a vehicle, or a farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

The term "uninsured motor vehicle" also means an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency. An insurer's solvency protection shall be applicable only to accidents occurring during a policy period in which its in-

sured's motor vehicle coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one year of such accident. In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment, shall to the extent thereof, be entitled to any proceeds which may be recoverable from the assets of the insolvent insurer through any settlement or judgment of such person against the insolvent insurer.

(c) The insurance coverage provided for in this section does not apply:

(1) To property damage sustained by the insured.

(2) To bodily injury of the insured while in or upon or while entering into or alighting from an automobile other than the described automobile if the owner thereof has insurance similar to that provided in this section.

(3) To bodily injury of the insured with respect to which the insured or his representative shall, without the written consent of the insurer, make any settlement with or prosecute to judgment any action against any person who may be legally liable therefor.

(4) In any instance where it would inure directly or indirectly to the benefit of any workmen's compensation carrier or to any person qualified as a self-insurer under any workmen's compensation law.

(5) To establish an exemption as provided in subdivisions (a), (b), and (c) of Section 16057 of the Vehicle Code.

(6) To bodily injury of the insured while occupying a motor vehicle owned by an insured, unless the occupied vehicle is an insured motor vehicle.

(7) To bodily injury of the insured when struck by a vehicle owned by an insured.

(d) Subject to paragraph (c)(2), the policy or endorsement may provide that if the insured has insurance available to him under more than one uninsured motorist coverage provision, any damages shall not be deemed to exceed the higher of the applicable limits of the respective coverages, and such damages shall be prorated between the applicable coverages as the limits of each coverage bears to the total of such limits.

(e) The policy or endorsement added thereto may provide that if the insured has valid and collectible automobile medical payment insurance available to him, the damages which he shall be entitled to recover from the owner or operator of an uninsured motor vehicle shall be reduced for purposes of uninsured motorist coverage by the amounts paid or due to be paid under such automobile medical payment insurance. This subdivision shall become operative on January 1, 1971.

(f) The policy or an endorsement added thereto shall provide that the determination as to whether the insured shall be legally entitled to recover damages, and if so entitled, the amount thereof, shall be made by agreement between the insured and the insurer or, in the event of disagreement, by

arbitration. The arbitration shall be conducted by a single neutral arbitrator. An award or a judgment confirming an award shall not be conclusive on any party in any action or proceeding between (i) the insured, his insurer, his legal representative, or his heirs and (ii) the uninsured motorist to recover damages arising out of the accident upon which the award is based. The provisions of Article 3 (commencing with Section 2016) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure shall be applicable to such determinations, and all rights, remedies, obligations, liabilities and procedures set forth in said Article 3 shall be available to both the insured and the insurer at any time after the accident, both before and after the commencement of arbitration, if any, with the following limitations:

(1) Whenever in said Article 3, reference is made to the court in which the action is pending, or provision is made for application to the court or obtaining leave of court or approval by the court, the court which shall have jurisdiction for the purposes of this section shall be the superior court of the State of California, in and for any county which is a proper county for the filing of a suit for bodily injury arising out of the accident, against the uninsured motorist, or any county specified in the policy or an endorsement added thereto as a proper county for arbitration or action thereon.

(2) Any such proper court to which application is first made by either the insured or the insurer under the provisions of said Article 3 for any discovery or other relief or remedy, shall thereafter be the only court to which either of the parties shall make any applications under said Article 3 with respect to the same accident, subject, however, to the right of such court to grant a change of venue after a hearing upon notice, upon any of the grounds upon which change of venue might be granted in an action filed in the superior court.

(3) A deposition pursuant to the provisions of Section 2016 of the Code of Civil Procedure may be taken without leave of court, except that leave of court, granted with or without notice and for good cause shown, must be obtained if the notice of the taking of the deposition is served by either party within 20 days after the accident.

(4) The provisions of subparagraph (a)(4) of Section 2019 of the Code of Civil Procedure shall not be applicable to discovery under this section.

(5) For the purposes of discovery under this section, the insured and the insurer shall each be deemed to be "a party to the record of any civil action or proceedings," where that phrase is used in subparagraph (b)(2) of Section 2019 of the Code of Civil Procedure.

(6) Interrogatories under the provisions of Section 2030 of the Code of Civil Procedure and requests for admission under Section 2033 may be served by either the insured or the insurer upon the other at any time more than 20 days after the accident without leave of court.

(7) Nothing in this section shall be construed to limit the rights of any party to discovery in any action pending or which may hereafter be pending in any court.

(g) The insurer paying a claim under an uninsured motorist endorsement or coverage shall be entitled to be subrogated to the rights of the insured to whom such claim was paid against any person causing such injury or death to the extent that payment was made. Such action may be brought within three years from the date that payment was made hereunder.

(h) An insured entitled to recovery under the uninsured motorist endorsement or coverage shall be reimbursed within the conditions stated herein without being required to sign any release or waiver or rights to which he may be entitled under any other insurance coverage applicable; nor shall payment under this section to such insured be delayed or made contingent upon the decisions as to liability or distribution of loss costs under other bodily injury liability insurance or any bond applicable to the accident. Any loss payable under the terms of the uninsured motorist endorsement or coverage to or for any person may be reduced:

(1) By the amount paid and the present value of all amounts payable to him under any workmen's compensation law exclusive of nonoccupational disability benefits.

(2) By the amounts paid or due to be paid under any valid and collectible automobile medical payment insurance available to the insured. This paragraph shall remain in effect until December 31, 1970, and shall have no force or effect after that date.

(3) By the amount the insured is entitled to recover from any other person insured under the underlying liability insurance policy of which the uninsured motorist endorsement or coverage is a part.

(i) No cause of action shall accrue to the insured under any policy or endorsement provision issued pursuant to this section unless within one year from the date of the accident:

(1) Suit for bodily injury has been filed against the uninsured motorist, in a court of competent jurisdiction, or

(2) Agreement as to the amount due under the policy has been concluded, or

(3) The insured has formally instituted arbitration proceedings.

(j) Notwithstanding the provisions of subdivisions (b) and (i), in the event the accident occurs in any other state or foreign jurisdiction to which coverage is extended under the policy and the insurer of the tortfeasor becomes insolvent, any action authorized pursuant to the provisions of this section may be maintained within three months of the insolvency of the tortfeasor's insurer, but in no event later than the pertinent period of limitation of the jurisdiction in which the accident occurred.

(k) Notwithstanding the provisions of subdivision (i), any insurer whose insured has made a claim under his or her uninsured motorist coverage, and such claim is pending, shall, at least 30 days before the expiration of the applicable statute of limitation, notify its insured in writing of the statute of limitation applicable to such injury or death. Failure of the insurer to provide such written notice shall operate to toll any applicable statute of limitation or other time limitation for a period of 30 days from the date such written notice is actually given.

CHAPTER 473

An act to amend Sections 2866 and 4089 of the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2866 of the Business and Professions Code is amended to read:

2866. An applicant for a licensed vocational nurse license shall comply with each of the following:

- (a) Be at least 17 years of age.
- (b) Have successfully completed at least an approved course of study through the 10th grade or the equivalent thereof as specified by the board; provided, that persons applying for a license prior to July 1, 1955, and who qualify for a license under Section 2873 of this code, shall be required to have such general educational qualifications as shall be deemed sufficient by the board.
- (c) Have successfully completed the prescribed course of study in an accredited school of vocational nursing or have graduated from a school which, in the opinion of the board, maintains and gives a course which is equivalent to the minimum requirements for an accredited school of vocational nursing in this state.
- (d) Have committed no act which, if committed by a licensee, would be a ground for disciplinary action.

SEC. 2. Section 4089 of the Business and Professions Code is amended to read:

4089. Each applicant for the written and practical examination given by the board as specified in subdivision (d) of Section 4085 and each applicant for registration as a registered pharmacist shall be of good moral character and temperate habits. A license issued to a person not a citizen of the United States, shall terminate and become void at the end of seven years from the date of issuance if such person has not then become a citizen. A license so terminated may be reissued by

the board at any time thereafter upon evidence of citizenship and an explanation of the delay satisfactory to the board. If citizenship is later denied to any person registered under this chapter, then such denial of citizenship shall automatically cancel all such registration and privileges.

CHAPTER 474

An act to amend Section 4101 of the Civil Code, relating to marriage.

[Approved by Governor July 21, 1970. Filed with Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4101 of the Civil Code is amended to read:

4101. (a) Any unmarried male of the age of 21 years or upwards, or any unmarried female of the age of 18 years or upwards, and not otherwise disqualified, is capable of consenting to and consummating marriage.

(b) Any male under the age of 21 years and over the age of 18 years is capable of consenting to and consummating marriage if such underage person obtains the consent in writing of his parents, or of one of such parents, or of his guardian, or an order of the superior court as provided for in Section 4102, and if such consent or order is filed with the clerk issuing the marriage license as provided for in Section 4201.

(c) Any person under the age of 18 years is capable of consenting to and consummating marriage if each of the following documents is filed with the clerk issuing the marriage license as provided in Section 4201:

(1) The consent in writing of the parents of each person who is underage, or of one of such parents, or of his or her guardian.

(2) After such showing as the superior court may require, an order of such court granting permission to such underage person to marry.

(d) As part of the order under subdivision (c), the court shall require the parties to such prospective marriage of a person under the age of 18 years to participate in premarital counseling concerning social, economic, and personal responsibilities incident to marriage, if it deems such counseling necessary. Such parties shall not be required, without their consent, to confer with counselors provided by religious organizations of any denomination. In determining whether to order the parties to participate in such premarital counseling, the court shall consider, among other factors, the ability of the parties to pay for such counseling.

CHAPTER 475

An act to amend Section 112 of the Business and Professions Code, relating to directories of licensees.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 112 of the Business and Professions Code is amended to read:

112. Notwithstanding any other provision of this code, no agency in the department, with the exception of the State Board of Registration for Professional Engineers, shall be required to compile, publish, sell, or otherwise distribute a directory. When an agency deems it necessary to compile and publish a directory, such agency shall cooperate with the director in determining its form and content, the time and frequency of its publication, the persons to whom it is to be sold or otherwise distributed, and its price if it is sold. Any agency which requires the approval of the director for the compilation, publication, or distribution of a directory, under the law in effect at the time the amendment made to this section at the 1970 Regular Session of the Legislature becomes effective, shall continue to require such approval. As used in this section, "directory" means a directory, roster, register, or similar compilation of the names of persons who hold a license, certificate, permit, registration, or similar indicia of authority from the agency.

CHAPTER 476

An act to amend Section 18945.1 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18945.1 of the Financial Code is amended to read:

18945.1. The downpayments received by the company under the provisions of Section 18945 shall be subject to the provisions of this section.

(a) The downpayments received by the company under the provisions of Section 18945, may be held by the company in trust in a separate bank account or depository, or in lieu thereof, the company may maintain a time deposit with a bank, savings and loan association, or comparable institution, or obtain a certificate or certificates of deposit from a bank, in an amount at least equal to the average amount of such

downpayments being held at any given time by the company as ascertained by the commissioner, and which are payable to the insurer pursuant to the terms of the premium finance agreement. Such deposits or certificates shall be held in trust for the benefit of the insureds, as their relative interests in such downpayments may exist at any given time, and in the event of the insolvency of a company, such funds on deposit under the provisions of this section or as represented by a certificate or certificates of deposit shall be first applied to remitting the amount of the downpayment to the insureds on all premium finance agreements upon which the company has not then forwarded in full the downpayments collected from and then being held for insureds, and, if insufficient to pay all such amounts in full, then such funds shall be applied for such purposes pro rata.

(b) In lieu of the alternatives set forth in subdivision (a), the company may furnish the commissioner with a bond entered into with a corporate surety, qualified to do business in this state, approved by the commissioner in a penal sum which shall be at least equal to the average amount of such downpayments being held at any given time by the company as ascertained by the company semiannually subject to the review and acceptance of the commissioner, and which are payable to the insurer pursuant to the terms of the premium finance agreement, and the bond shall provide that in addition to said penal sum the surety is liable to the commissioner for any and all expenses (including court costs and attorneys fees) incurred by the commissioner in pursuing any and all claims against the bond, and the surety shall within five days after a claim has been filed with said surety file a complete copy of said claim with the commissioner. Such bond shall be conditioned so as to protect the insureds in the event of the insolvency of the company with respect to all downpayments which the company has not then forwarded to the insurers and, if the penal sum is insufficient to pay all such amounts in full then the proceeds of the bond shall be distributed on a pro rata basis to the insureds. If the claims of the insureds or any of them under the bond are not paid in such manner, and the amounts of such claims are proven to the satisfaction of the commissioner to be due such claimants, or should the commissioner determine to his satisfaction that sums are due such insureds, he may make demand for payment on behalf of all such unpaid claimants or insureds. If payment is not made, the commissioner may take any legal action he may deem necessary to enforce payment under such bond. The aggregate liability of the surety under such bond shall, in no event, exceed the penal sum of such bond plus the expenses (including court costs and attorneys fees) incurred by the commissioner in pursuing any and all claims against the bond. The surety on the bond shall have the right to terminate such bond in accordance with the provisions of Section 2851 of the Civil Code.

CHAPTER 477

An act to amend Section 1766 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1766 of the Welfare and Institutions Code is amended to read:

1766. (a) When a person has been committed to the authority it may

(1) Permit him his liberty under supervision and upon such conditions as it believes conducive to law-abiding conduct;

(2) Order his confinement under such conditions as it believes best designed for the protection of the public;

(3) Order reconfinement or renewed release under supervision as often as conditions indicate to be desirable;

(4) Revoke or modify any order except an order of discharge as often as conditions indicate to be desirable;

(5) Modify an order of discharge if conditions indicate that such modification is desirable and when such modification is to the benefit of the person committed to the authority;

(6) Discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

CHAPTER 478*An act to add Section 5600 to, and to repeal Sections 5600 and 5601 of, the Financial Code, relating to savings and loan associations.*

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5600 of the Financial Code is repealed.

SEC. 2. Section 5600 is added to the Financial Code, to read:

5600. The commissioner may from time to time require from any officer or director of any association, reports, under oath or under penalty of perjury, concerning such person's performance of his duties as officer or director, or concerning any direct or indirect dealings by such officer or director affecting the association.

Any request for such a report shall contain a statement setting forth the reasons and supporting facts for requesting the report and its relevance to the responsibilities of the commissioner.

SEC. 3. Section 5601 of the Financial Code is repealed.

CHAPTER 479

An act to amend Section 3250 of the Civil Code and to amend Section 4207 of, and to repeal Section 4207 of, the Government Code, relating to attorney's fees.

[Approved by Governor July 21, 1970. Filed with Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3250 of the Civil Code is amended to read:

3250. The filing of a stop notice is not a condition precedent to the maintenance of an action against the surety or sureties on the payment bond. An action on the payment bond may be maintained separately from and without the filing of an action against the public entity by whom the contract was awarded or any officer thereof. In any action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs.

SEC. 2. Section 4207 of the Government Code is amended to read:

4207. The filing of a verified claim is not a condition precedent to the maintenance of an action against the surety or sureties on the contractor's bond. An action on the bond may be maintained separately from and without the filing of an action against the officer or body by whom the contract was awarded.

In any action, the court shall award to the prevailing party a reasonable attorney's fee, to be taxed as costs.

SEC. 3. Section 4207 of the Government Code as amended by Section 2 of this act is repealed.

SEC. 4. It is the intent of the Legislature by this act to change the basis for decisional law denying attorney's fees on appeal, so as to permit the prevailing party to recover such fees on appeal.

SEC. 5. Sections 1 and 3 of this act shall become operative January 1, 1971.

CHAPTER 480

An act to amend Section 411.20 of the Code of Civil Procedure, and to amend Sections 26821.2, 26822.2, 26822.3, 26826.2 and 70015 of, and to add Section 26827.2 to, the Government Code, relating to court filing fees.

[Approved by Governor July 21, 1970. Filed with Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26821.2 of the Government Code is amended to read:

26821.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, the fee for the filing of the first paper in a civil action or special proceeding, except an adoption proceeding, is twenty-three dollars (\$23); provided, however, in each civil action in which the demand is for one thousand dollars (\$1,000) or less, the filing fee shall be twelve dollars (\$12).

SEC. 2. Section 26822.2 of the Government Code is amended to read:

26822.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, the fee for filing the papers transmitted from another court on the transfer of a civil action or a special proceeding is twenty-three dollars (\$23).

SEC. 3. Section 26822.3 of the Government Code is amended to read:

26822.3. In addition to, and at the same time, as fees are collected pursuant to Sections 26821, 26821.2, 26826, 26826.2, 26827, and 26827.2, a fee of two dollars (\$2) shall be collected.

The funds shall be transmitted at the end of each month to the State Controller for payment into the Judges' Retirement Fund.

SEC. 4. Section 26826.2 of the Government Code is amended to read:

26826.2. In any county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, or with a population exceeding 4,000,000, upon filing the first paper in the action on behalf of any defendant, intervenor, respondent, correspondent, or adverse party, whether separately or jointly, except for the purpose of making disclaimer, the fee is seven dollars (\$7).

As used in this section the word "paper" does not include a stipulation for the appointment of a judge pro tempore or of a court investigator or the report made by such investigator or the declaration of a spouse filed in an order to show cause proceeding.

SEC. 5. Section 26827.2 is added to the Government Code, to read:

26827.2. In each county with a population of more than 700,000 and less than 710,000, as determined by the 1960 Federal Decennial Census, the fee for filing the first petition for letters of administration, a petition for special letters of administration, a petition for letters testamentary, a first account of a testamentary trustee, or a petition for letters of guardianship, or a petition for letters of conservatorship, or a petition for compromise of minor's claim, is twenty-three dollars (\$23). For filing any subsequent petition for letters of administration, special letters of administration, letters testamentary letters of guardianship, or letters of conservatorship, or a petition to con-

test any will or codicil, in the same proceeding, the fee is seventeen dollars (\$17). When the subsequent petition is filed to amend a previously filed petition, but the petitioner is the same person named in the original petition, no fee shall be charged. When the public administrator or an employee of the Department of Mental Hygiene in his official capacity is the petitioner, he shall be required to pay the fee only out of the assets of the estate coming into his possession.

SEC. 6. Section 70015 of the Government Code is amended to read:

70015. In addition to a fee or fees required by any other law or laws, a fee of thirteen dollars (\$13) shall be paid to the county clerk of such a county by each party, or jointly by parties appearing jointly in each of the following instances:

(a) Where Section 26821.2 of the Government Code requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(b) Where Sections 26822 to 26825, inclusive, of the Government Code require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(c) Where Section 26826.2 of the Government Code requires such party or parties to pay the county clerk a fee for the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, correspondent or adverse party, except in an appeal from an inferior court; provided, however, if any of the parties named in this paragraph shall appear jointly they shall pay but such additional fee of thirteen dollars (\$13) as in this section provided.

(d) Where Section 26827.2 of the Government Code requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate or guardianship matter.

SEC. 7. Section 411.20 of the Code of Civil Procedure is amended to read:

411.20. Upon presentation of a complaint or other first paper and the payment of at least the fee prescribed by Section 26821, 26821.2, 26826, 26826.2, 26827, 26827.2, 71665, 71665.5, 72055, or 72056 of the Government Code, the clerk shall file it. If all applicable fees are not then paid, the clerk shall forthwith mail notice of the unpaid fees to the party who filed the paper at the address stated by the party and shall execute a certificate of such mailing and place it in the court's file in the action. The filing is ineffective unless such fees are paid within 20 days after any notice given by the clerk pursuant to this section.

The clerk's certificate as to the mailing of notice pursuant to this section establishes a rebuttable presumption that such fees were not paid. This presumption is a presumption affecting the burden of producing evidence.

CHAPTER 481

An act to amend Section 15 of Chapter 1451 of the Statutes of 1969, and to amend Section 14105.5 of the Welfare and Institutions Code, relating to health facilities.

[Approved by Governor July 21, 1970. Filed with Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15 of Chapter 1451 of the Statutes of 1969 is amended to read:

Sec. 15. Within 90 days of the effective date of this act, the Health Planning Council shall adopt guidelines pursuant to Section 437.7 of the Health and Safety Code. By July 1, 1970, all voluntary area health planning agencies shall adopt guidelines pursuant to Section 437.7 of such code. This act shall not apply to applicants who have filed applications for licenses, prior to January 1, 1970, which meet all requirements and regulations of the appropriate state agency existing at the time of application, including at least preliminary submission of plans, but only if such applicants commence construction of their facilities prior to July 1, 1971. The exception provided for in the preceding sentence shall not apply to transferees of the applications of such applicants.

SEC. 2. Section 14105.5 of the Welfare and Institutions Code is amended to read:

14105.5. The director shall make no payment for services to any hospital facility which secures a license under the provisions of Chapter 2 (commencing with Section 1400) of Division 2 of the Health and Safety Code or Chapter 1 (commencing with Section 7000) of Division 7 of this code after July 1, 1970, covering a new facility or additional bed capacity or the conversion of existing bed capacity to a different license category, unless such licensee received a favorable final decision by the voluntary area health planning agency in the area, the consumer members of a voluntary area health planning agency acting as an appeals body or the Health Planning Council pursuant to Sections 437.7 to 438.5, inclusive, of the Health and Safety Code; or unless the licensee had filed an application for a license prior to January 1, 1970, and the application met all then-existing requirements and regulations of the appropriate state agency at the time of application including, at least, preliminary submission of plans, and if such licensee commences construction of facilities prior to July 1, 1971. The exception provided for in the preceding sentence with respect to applications filed prior to January 1, 1970, shall not apply to transferees of the applications of the original applicants.

CHAPTER 482

An act to place a constitutional amendment on the ballot, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 21, 1970. Filed with
Secretary of State July 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. (a) There shall be submitted to the people at the general election, to be held on the third day of November, 1970, the constitutional amendment proposed by Assembly Constitutional Amendment No. 50 of the 1970 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Assembly Constitutional Amendment No. 50, whichever occurs later, the author and first coauthor of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) Upon the effective date of this section, the Secretary of State shall request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Such analysis shall be filed with the Secretary of State within two days after the effective date of this section. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

(d) All ballot pamphlets and ballots at said election shall have a ballot title printed thereon in the following form:

INTEREST RATE LIMITATION

Amends and rennumbers Section 22 of Article XX of the State Constitution to provide, subject to limitations the Legislature may impose, that loans over one hundred thousand dollars (\$100,000) may be made to corporations or partnerships without regard to restrictions of such section.

Yes

No

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that Assembly Constitutional Amendment No. 50 be placed on the November 1970 general election ballot, it is necessary that this act take effect immediately.

CHAPTER 483

An act to amend Sections 880, 5798, 11204, 17663, 17666.3, 18361.5, 18451, 18452, 18455, 18456, 18456.2, and 18460 of, and to repeal Sections 17507.1, and 17507.4 of, the Education Code, relating to financial support of public schools.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 880 of the Education Code is amended to read:

880. All expenses shall be paid out of the county school service fund necessary for the county board of education and the county superintendent of schools to perform the duties, render the services and comply with the provisions of Education Code Sections 811, 812, 857, 885.2, 1131, 6815, 6932, 7103, 11706, 12821, 12822, 12825, 13512, 13528, 16858, 16860, 16902, 17206, 17460, 20102, 20105, 20106, 21052, and 21053.

The provisions of this section shall not be construed to prohibit support from the county general fund from being provided for duties and services performed pursuant to the sections enumerated above.

SEC. 2. Section 5798 of the Education Code is amended to read:

5798. A salary allotment for a professional school librarian shall be computed by the Superintendent of Public In-

struction whenever he determines with respect to any district that:

1. The district has employed 30 percent of its basic quota of specialist reading teachers, and

2. A librarian holding a credential authorizing service as a librarian pursuant to Sections 13289 and 13290 is employed full time in a school or schools in which one or more specialist reading teachers are employed.

The salary allotment for the professional school librarian shall be five hundred dollars (\$500) multiplied by the number of specialist teachers in reading employed full time in the school. The maximum allotment so authorized for a school district shall not exceed the total cost of salaries of librarians who come within the provisions of this section.

SEC. 3. Section 11204 of the Education Code is amended to read:

11204. The attendance of physically handicapped pupils instructed by the county superintendent of schools pursuant to Section 894 shall be credited as follows:

(a) The attendance of elementary school pupils taught in emergency elementary schools and in special classes shall be credited to the emergency schools.

(b) The attendance of elementary school pupils given individual instruction in the home or at the bedside in institutions and of minors with speech disorders or defects who are at least three years of age and of minors who are deaf or hard-of-hearing and between the ages of three and six years and given individual instruction, subject to the provisions of Section 6812, in school or in the home or by cooperative arrangements with the Division of Vocational Rehabilitation of the State Department of Rehabilitation or in remedial classes or in integrated programs of instruction shall be credited to an emergency elementary school maintained for physically handicapped pupils, if such a school is maintained in the county, or if no such school is maintained in the county the attendance shall be credited to an emergency elementary school maintained in the county, but not to more than one emergency elementary school. If no emergency school is maintained in the county, the total number of days of attendance of pupils shall be divided by 175 to compute average daily attendance, and the average daily attendance so computed shall be credited to the county school service fund as attendance upon a single emergency elementary school for individual instruction of physically handicapped children.

(c) The attendance of pupils of secondary grade given individual instruction in the home or in institutions or by cooperative arrangement with the Division of Vocational Rehabilitation of the State Department of Rehabilitation, or instructed in special classes of secondary grade or in remedial classes or in integrated programs of instruction of secondary grade pursuant to Section 894, shall be credited to the county school service fund.

(d) The attendance of pupils taught by emergency teachers in the regular schools of the districts of any county shall be credited to the districts, except that the attendance of pupils taught by emergency teachers pursuant to Section 894.1 in the regular elementary schools of the district of any county and the attendance of elementary pupils in remedial classes pursuant to Section 894 shall be credited to the county school service fund in accordance with subdivision (b) of this section.

(e) The attendance of pupils residing in one county and educated under contract with the county superintendent of schools or governing board of a school district of another county, shall be credited to the county school service fund of the county, or district, in which the pupils are educated.

(f) If the county superintendent of schools maintains an integrated program of instruction as defined in Section 18060.2 and contracts with a school district to provide instruction for part of the day in the regular classes of the district, the total attendance of pupils in such program shall be credited to the county school service fund at both the elementary and secondary levels.

SEC. 4. Section 17507.1 of the Education Code is repealed.

SEC. 5. Section 17507.4 of the Education Code is repealed.

SEC. 6. Section 17663 of the Education Code is amended to read:

17663. A necessary small high school for the purposes of Section 17664, is a high school with an average daily attendance of less than 301, or a junior high school with an average daily attendance of less than 75 in grade nine, which comes within any of the following conditions (except that a single high school maintained by a unified district formed under the provisions of Sections 3100 to 3353, inclusive, or formed under Section 1976, or a high school maintained by any district for the exclusive purpose of educating continuation, juvenile hall, physically handicapped, or mentally retarded pupils shall be considered a necessary small high school):

(a) The projection of its future enrollment on the basis of the enrollment of the elementary schools in the district shows that within eight years the enrollment in high school in grades 9 through 12 will exceed 300 pupils.

(b) Any one of the following combinations of distance and units of average daily attendance applies:

(1) The high school had an average daily attendance of less than 100 in grades 9 through 12 during the preceding fiscal year and is more than 15 miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 20 miles or 25 percent of the pupils would be required to travel 30 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(2) The high school had an average daily attendance of 100 or more and less than 150 in grades 9 through 12 during the preceding fiscal year and is more than 10 miles by well-

traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 18 miles or 25 percent of the pupils would be required to travel 25 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(3) The high school had an average daily attendance of 150 or more and less than 200 in grades 9 through 12 during the preceding fiscal year and is more than $7\frac{1}{2}$ miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 15 miles or 25 percent of the pupils would be required to travel 20 miles one way from a point on a well-traveled road nearest their homes to the nearest other public high school.

(4) The high school had an average daily attendance of 200 or more and less than 300 in grades 9 through 12 during the preceding fiscal year and is more than five miles by well-traveled road from the nearest other public high school and either 90 percent of the pupils would be required to travel 10 miles or 25 percent of the pupils would be required to travel 15 miles to the nearest other public high school.

(c) Topographical or other conditions exist in the district which would impose unusual hardships on the pupils if the number of miles specified above were required to be traveled. In these cases, the Superintendent of Public Instruction may, when requested, and after investigation, grant exceptions from the distance requirements.

(d) The Superintendent of Public Instruction has approved the recommendation of a county committee on school district organization designating one of two or more schools as necessary isolated schools in a situation where the schools are operated by two or more districts and the average daily attendance of each of the schools is less than 300 in grades 9 through 12.

SEC. 7. Section 17666.3 of the Education Code is amended to read:

17666.3. For the purposes of Section 17666.2, a necessary small junior college district is a junior college district with an average daily attendance of less than 1,001 during the fiscal year, and which comes within the following conditions:

(a) The projection of the average daily attendance, as used and defined in Section 17666.2, for the district for the next three immediately succeeding fiscal years shall not exceed 1,001.

(b) Any one of the following conditions applies:

(1) One campus of the junior college district is more than 30 miles by a well-traveled road from the nearest other public junior college; and either 90 percent of the pupils, exclusive of adults as defined in Section 5756, would be required to travel 20 miles, or 25 percent of the pupils, exclusive of adults as defined in Section 5756, would be required to travel 30 miles one way from a point on a well-traveled road to the nearest other public junior college.

(2) The conditions under paragraph (1) of this subdivision do not apply, but on annual application of the district the State Board of Education has determined for the fiscal year that the district is located in an area sufficiently remote so as to necessitate local current expenditures significantly higher than statewide average current expenditures for junior colleges.

SEC. 8. Section 18361.5 of the Education Code is amended to read:

18361.5. In addition to the amounts to be excluded in computing the balance in each of the county school service funds pursuant to Section 18361, there shall also be excluded any amounts derived from county school taxes levied and collected prior to 1935 which still remain in a county school service fund.

SEC. 9. Section 18451 of the Education Code is amended to read:

18451. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355, 18358 and 18401, to be apportioned on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Sections 18060, 18062, and 18102 shall not exceed the amount provided by law therefor.

SEC. 10. Section 18452 of the Education Code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 6426, 6762, 17751, 17801, 17851, 17901, 17902, 17904, 17905, 17906, 17926, 17951, 17952, 17970, 18355, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 11. Section 18455 of the Education Code is amended to read:

18455. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17751, 17801, 17851, 17926, 17951, 17952, 17901, 17902, 17903, 17904, 17970, 18355, 18358, and 18401, on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each

such district as equalization aid from the State School Fund shall be reduced proportionately.

SEC. 12. Section 18456 of the Education Code is amended to read:

18456. If the total amount allowed from the State School Fund to all districts and county school service funds under Sections 18060, 18062, 18102, 18102.2, 18102.4, and subdivisions 1(c), 1(d), 1(e), 1(f), and 1(g) of Section 18102.9, on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

SEC. 13. Section 18456.2 of the Education Code is amended to read:

18456.2. If the total amount allowed from the State School Fund to all districts and county school service funds under Section 18102.6 and subdivisions 1(a), 1(b), and 2(b) of Section 18102.9 on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

SEC. 14. Section 18460 of the Education Code is amended to read:

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18061, 18452, and 18453. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to restore proportionately the amounts reduced under Section 18455.

(b) Second, to restore, in the order herein listed, the amounts reduced under Section 18456.

(c) Third, to restore proportionately the amounts reduced under Sections 18456.1 and 18456.2.

Any remaining balances otherwise transferable under subdivisions (b) and (c) of Section 17301 shall revert to the General Fund.

CHAPTER 484

An act to amend Sections 387 and 442 of the Code of Civil Procedure, relating to service of process.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 387 of the Code of Civil Procedure is amended to read:

387. At any time before trial, any person, who has an interest in the matter in litigation, or in the success of either of the parties, or an interest against both, may intervene in the action or proceeding. An intervention takes place when a third person is permitted to become a party to an action or proceeding between other persons, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint, setting forth the grounds upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared in the same manner as upon the commencement of an original action, and upon the attorneys of the parties who have appeared, or upon the party if he has appeared without an attorney, in the manner provided for service of summons or in the manner provided by Chapter 5 (commencing with Section 1010) Title 14 of Part 2. A party served with a complaint in intervention may within 30 days after service move, demur, or otherwise plead to the complaint in the same manner as to an original complaint.

SEC. 2. Section 442 of the Code of Civil Procedure is amended to read:

442. Whenever the defendant seeks affirmative relief against any person, whether or not a party to the original action, relating to or depending upon the contract, transaction, matter, happening or accident upon which the action is brought or affecting the property to which the action relates, he may, in addition to his answer, file at the same time, or by permission of the court subsequently, a cross-complaint. The cross-complaint shall be served upon each of the parties affected thereby. If any such parties have not appeared in the action, a summons upon the cross-complaint shall be issued and served upon them in the same manner as upon the commencement of an original action. If any such parties have appeared in the action, the cross-complaint shall be served upon the attorneys of such parties, or upon the party if he has appeared without an attorney in the manner provided for service of summons or in the manner provided by Chapter 5 (commencing with Section 1010) Title 14 of Part 2. A party served with a cross-complaint may within 30 days after service move, demur, or otherwise plead to the cross-complaint in the same manner as to an original complaint.

CHAPTER 485

An act to amend Section 5896.14 of the Streets and Highways Code, relating to underground electric and communication facilities.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5896.14 of the Streets and Highways Code is amended to read:

5896.14. Subject to applicable rules, regulations, tariffs or ordinances, all electric or communication facilities, including connections to the owner's premises, located upon any lot or parcel of land within the assessment district shall be constructed, reconstructed, relocated or converted by the owner of such lot or parcel at his own expense. Such work may be done by the contractor, or the public utility, public agency or city performing the conversion work, and the cost thereof included in the assessment to be levied upon such lot or parcel provided, that the owner shall execute a written request therefor and file the same with the clerk. Any such request shall expressly authorize the contractor, public utility, public agency or city, and their respective officers, agents and employees to enter upon such lot or parcel for such purpose and shall waive any right of protest or objection in respect of the doing of such work and the inclusion of the cost thereof in said assessment.

The provisions of this chapter shall not be deemed to diminish any right of an owner of a lot or parcel of land to contract any portion of work on his premises.

CHAPTER 486

An act to maintain the Health and Safety Code by amending Sections 217, 1415, 1708, 6580.1, and 37504, by amending and renumbering the heading of Chapter 13 (commencing with Section 25970) of Division 20 as added by Chapter 1361, Statutes of 1969, and Section 25970 as added by Chapter 1361, Statutes of 1969, by adding a chapter heading to Part 1 (commencing with Section 7000) of Division 7, and by repealing Section 215, as added by Chapter 1380, Statutes of 1968, and Article 3.3 (commencing with Section 310) of Chapter 2 of Part 1 of Division 1, thereof, relating to health and safety.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 215 of the Health and Safety Code, as added by Chapter 1380, Statutes of 1968, is repealed.

SEC. 2. Section 217 of the Health and Safety Code is amended to read:

217. All policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen in this state shall be trained to administer first aid. The training, which shall at least meet the standards of the standard American Red

Cross training in first aid, shall be satisfactorily completed by such policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen, as soon as practical, but in no event more than one year after the date of employment. Satisfactory completion of a refresher course approved by the State Department of Public Health in first aid every three years shall also be required.

This section shall not apply to policemen, sheriffs, deputy sheriffs, members of the California Highway Patrol, and firemen whose duties are primarily clerical or administrative.

As used in this section, "fireman" means any regularly employed and paid officer, employee, or member of a fire department or fire protection or firefighting agency of the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state or member of an emergency reserve unit of a volunteer fire department or fire protection district.

SEC. 3. Article 3.3 (commencing with Section 310) of Chapter 2 of Part 1 of Division 1 of the Health and Safety Code is repealed.

SEC. 4. Section 1415 of the Health and Safety Code is amended to read:

1415. The provisions of this chapter do not apply to any of the following institutions:

(a) Any hospital conducted, maintained or operated by the United States government or a duly authorized agency thereof.

(b) Any hospital conducted, maintained or operated by this state or any state department, authority, bureau, commission, or officer, nor to any hospital conducted, maintained or operated by the Regents of the University of California, the autonomous character of said Regents of the University of California having been established by the provisions of Article IX, Section 9, of the Constitution of the state. However, a local hospital district or city is not a state agency or a state department, authority, bureau, commission, or officer within the meaning of this subdivision, and this subdivision does not exempt a hospital conducted, maintained, or operated by a local hospital district or city from the provisions of this chapter.

(c) Any hospital conducted by and for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

(d) Hotels or other similar places that furnish only board and room, or either, to their guests.

(e) Establishments, institutions, homes, and other places for the reception and care of the insane, alleged insane, mentally ill, mentally deficient, or other incompetent persons referred to in Division 7 (commencing with Section 7000) of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Mental Hygiene.

(f) Establishments, institutions, homes, and other places for the reception and care of children or of aged persons referred to in Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code, subject to the jurisdiction of the State Department of Social Welfare.

(g) County hospitals, except that the department shall investigate, examine and make reports upon such hospitals, and except that all plans for the use of existing buildings or for new buildings, parts of buildings, or additions to or alterations in buildings, for any such hospitals shall, before their adoption, be submitted to the department for suggestions and approval as to the social requirements of the occupants.

SEC. 5. Section 1708 of the Health and Safety Code is amended to read:

1708. This chapter shall not apply to the use of any drug, medicine, compound, or device intended solely for legitimate and bona fide investigational purposes by experts qualified by scientific training and experience to investigate the safety and therapeutic value thereof unless the department shall find that such drug, medicine, compound, or device is being used in diagnosis or treatment for compensation and profit. In order to qualify for an exemption under this section there shall be on file with the Federal Department of Health, Education, and Welfare a current and unrevoked investigational new drug application issued pursuant to subdivision (i) of Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Sec. 355, subd. (i)), or the following conditions shall be complied with:

(a) The label of the drug, medicine, compound or device shall bear the statement "Caution: New drug (or medicine or compound or device). Use in the diagnosis, treatment, alleviation or cure of cancer limited by law to investigational use."

(b) The drug, medicine, compound or device has had adequate testing on appropriate experimental animals to demonstrate a lack of toxicity and hazard sufficient to permit its use in or on human beings and to establish with clarity the margins of safety ordinarily recognized by experts qualified by scientific training and experience to investigate the safety and effectiveness of such drugs, substances or devices.

(c) The drug, medicine, compound or device is to be used solely for investigational use by, or under the direction of, an expert qualified by scientific training and experience to investigate the safety and effectiveness of such drug, medicine, compound or device.

(d) A written statement signed by the expert has been filed with the board. The statement shall show what facilities the expert will use for the investigation to be conducted by him, and that the drug, medicine, compound or device will be used solely by him or under his direction for the investigation. The statement shall contain information identifying any assistant or agent of the expert who uses the drug, medicine, compound, or device under the direction of the expert.

(e) Complete records of the investigation shall be kept by the expert and all records shall be made available by the expert for inspection upon the request of any agent of the board at any reasonable hour as long as the expert desires exemption.

(f) The expert shall inform any persons who participate in the investigation as patients, that such drug, medicine, compound or device is being used for investigational purposes and shall obtain the consent of such persons or their representatives.

SEC. 6. Section 6580.1 of the Health and Safety Code is amended to read:

6580.1. The election of officers may be consolidated with the direct primary election if the board of directors passes a resolution to that effect on or before the first day of August of the preceding odd-numbered year and states in the resolution those offices of director to be filled at the first consolidated election. The offices which may be filled at the first consolidated election in those districts whose general district elections are held pursuant to the Uniform District Election Law are those offices which would have expired on the last Friday of December of the year preceding the direct primary election and in all other districts are those offices which would have expired in the year of the consolidated election or in the year next following. Upon a determination to consolidate pursuant to this section, the affected officers shall hold office until the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors or until the end of the terms for which they were elected, whichever is shorter. In the event this consolidation procedure is used then all other elective offices shall expire and be filled in the same manner at the next succeeding consolidated election. Any vacant office resulting from the operation of this provision shall be filled by appointment by the board.

If the election of directors is consolidated, and if there is to be but one person to be elected to the office, the candidate receiving the highest number of votes cast for the candidates for that office shall be declared elected. If there are two or more persons to be elected to the office, those candidates equal in number to the number to be elected who receive the highest number of votes for the office shall be declared elected. If a tie vote makes it impossible to determine which of two or more candidates has been elected, the governing board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by representative at a time and place designated by the governing body. The governing body shall at that time and place determine the tie by lot and the results thereof shall be declared by the governing body. The candidate so chosen shall qualify, take office and serve as though elected at the preceding general district election.

For such consolidated elections candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this section. Directors elected under the procedure provided in this section, except the first board of directors, shall take office at the first meeting of the board following the entry of the statement of the result of the consolidated election on the records of the board of supervisors. Elections held under this section at the time of the direct primary election and consolidated therewith shall be known as the general district election and each other election in a district holding elections under this section which may be held by authority of this law or the Elections Code or other law applicable thereto shall be known as a special district election.

The provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of, and Section 23520 of the Elections Code shall apply to every consolidation under this section.

SEC. 7. A chapter heading is added to Part 1 (commencing with Section 7000) of Division 7 of the Health and Safety Code immediately preceding Section 7150, to read:

CHAPTER 3.5. ANATOMICAL GIFT ACT

SEC. 8. The heading of Chapter 13 (commencing with Section 25970) of Division 20 of the Health and Safety Code, as added by Chapter 1361 of the Statutes of 1969, is amended and renumbered to read:

CHAPTER 15. MINORS CROSSING THE MEXICAN BORDER

SEC. 9. Section 25970 of the Health and Safety Code, as added by Chapter 1361 of the Statutes of 1969, is amended and renumbered to read:

25995. A peace officer of any city or county shall prevent the entry from California into the Republic of Mexico at the border by any resident of this state under the age of 18 years who is unaccompanied by a parent or guardian or who does not have written consent for such entry from a parent or guardian or who does not have a passport. The authority of the peace officer under this chapter shall be only to prevent entry and not otherwise to detain. Nothing in this chapter shall be construed to limit the authority of a peace officer under any other section of the law of this state.

SEC. 10. Section 37504 of the Health and Safety Code is amended to read:

37504. It is therefore the policy of the Legislature of the State of California to encourage local housing authorities to provide adequate training to low-income families in home management and maintenance with particular emphasis upon the basic rights and responsibilities of home ownership. Supplemental financial assistance will be made available to housing authorities for use in training low-income families and providing them with the necessary qualifications to live meaningful lives in low-rent private accommodations.

SEC. 11. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 487

An act to amend Section 33 of Chapter 1 of Statutes 1968 (1st Extraordinary Session), relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 33 of Chapter 1 of Statutes 1968 (1st Extraordinary Session) is amended to read:

Sec. 33. (a) On or before December 31, 1970, and the last day of December of each year thereafter, the Controller shall draw from the General Fund and pay therefrom to each city and county auditor 35 percent of the amounts claimed on the preceding October 31 pursuant to subdivisions (d) and (e) to reimburse local governmental agencies for the tax loss attributable to the homeowner's property tax exemption. On or before the last day of April of the next succeeding calendar year the Controller shall pay the remaining 65 percent of the amounts claimed to the respective auditors. Upon receipt of the payments the respective auditors shall apportion the reimbursement proceeds to the local entities in accordance with the claims previously made.

(b) Revenues paid pursuant to this chapter may be used for county, city, district or other municipal purposes and may, but need not necessarily, be used for purposes of general interest and benefit to the state. It is the purpose of this section to carry out the mandate of Section 1d of Article XIII of the Constitution of the State of California and permit recipients of revenues paid pursuant to this chapter to use such revenues

for any purpose for which the recipient could use its property tax revenues.

(c) For the purpose of fixing tax rates for ad valorem taxes every taxing agency and revenue district shall compute the rates by including in the base the exempt values for which the homeowner's property tax exemption is granted under Section 1d of Article XIII of the Constitution, together with the values of taxable property against which the taxes are levied.

(d) On or before October 31 of each year each county auditor shall file with the Controller in such form as the Controller directs, a statement of the amounts of exempt values granted for the homeowner's property tax exemption under Section 1d of Article XIII of the Constitution for the county, each city and school district or portion thereof within the county, each special district or subdivision or zone thereof or portion thereof within the county, for which a tax levy is carried on the county assessment roll. The auditor shall therein compute and show the total amount of ad valorem tax loss to the county and the cities and districts resulting from the exemption and the statement shall claim such amount against the state for payment of reimbursement.

(e) On or before October 31 of each year the auditor of each city whose taxes are not collected by the county shall file with the Controller in such form as the Controller directs, a statement of the amounts of the exempt values granted for the homeowner's property tax exemption under Section 1d of Article XIII of the Constitution for the city, each district, subdistrict or special zone within the city for which a tax levy is carried on the city assessment roll and the tax rates applicable to each. The auditor shall therein compute and show the total amount of ad valorem tax loss to the city and the districts resulting from the exemption and the statement shall claim such amount against the state for payment of reimbursement.

SEC. 2. This act shall be operative only if Assembly Bill 1000 and Assembly Bill 1001 of the 1970 Regular Session are not enacted into law and, if operative, shall be operative only for the 1970-1971 fiscal year.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to insure that the changes in distribution reimbursement as provided in this act become effective for the 1970-1971 fiscal year it is necessary for the act to take effect immediately.

CHAPTER 488

An act to amend Section 527 of the Code of Civil Procedure, relating to injunctions.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 527 of the Code of Civil Procedure is amended to read:

527. An injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. A copy of the complaint or of the affidavits, upon which the injunction was granted, must, if not previously served, be served therewith.

No preliminary injunction shall be granted without notice to the opposite party; nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall appear from facts shown by affidavit or by the verified complaint that great or irreparable injury would result to the applicant before the matter can be heard on notice. In case a temporary restraining order shall be granted without notice, in the contingency above specified, the matter shall be made returnable on an order requiring cause to be shown why the injunction should not be granted. on the earliest day that the business of the court will admit of, but not later than 15 days or, if good cause appears to the court, 20 days from the date of such order. When the matter first comes up for hearing the party who obtained the temporary restraining order must be ready to proceed and must have served upon the opposite party at least two days prior to such hearing, a copy of the complaint and of all affidavits to be used in such application and a copy of his points and authorities in support of such application; if he be not ready, or if he shall fail to serve a copy of his complaint, affidavits and points and authorities, as herein required, the court shall dissolve the temporary restraining order. The defendant, however, shall be entitled, as of course, to one continuance for a reasonable period, if he desire it, to enable him to meet the application for the preliminary injunction. The defendant may, in response to such order to show cause, present affidavits relating to the granting of the preliminary injunction, and if such affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day upon which such order is made returnable, such hearing shall take precedence of all other matters on the calendar of said day, except older matters of

the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence of all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

CHAPTER 489

An act to add Sections 15419 and 15875 to the Elections Code, relating to elections.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15419 is added to the Elections Code, to read:

15419. Any tape used in the programming of an electronic or electromechanical vote-counting device upon which votes are registered pursuant to this chapter, and any tape used in the compiling of vote totals from such counting device, shall be kept under lock and seal, and if there is a recanvass of the votes, the officer entrusted with the tapes shall submit his affidavit stating that they are the true tapes used in the election and have not been altered.

SEC. 2. Section 15875 is added to the Elections Code, to read:

15875. Any tape used in the programming of a punched card vote-counting device upon which votes are registered pursuant to this chapter, and any tape used in the compiling of vote totals from such counting device, shall be kept under lock and seal, and if there is a recanvass of votes, the officer entrusted with the tapes shall submit his affidavit stating that they are true tapes used in the election and have not been altered.

CHAPTER 490

An act to amend Sections 43604, 47821, 47827, 47851, and 47854 of the Agricultural Code, relating to agricultural containers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 43604 of the Agricultural Code is amended to read:

43604. Standard containers numbers 38J to 38R, inclusive, are as follows:

Number	Name	Dimensions in inches		
		Depth	Width at top	Length
38J	Standard grape lug	4½ to 5½	14½	16½
38K	Standard grape lug	4½ to 5½	14 or 14½	16½
38L	Grape lug	4⅞ to 6⅞	13½	16½
38Q	Grape lug	5½	11½	16½
38R	Grape lug	4 to 7	15½ (outside)	19½ (outside)
		(inside)		

Standard containers numbers 38J and 38K may have a taper (up and in—down and in) at each corner.

SEC. 2. Section 47821 of the Agricultural Code is amended to read:

47821. Subject to the restrictions and additions which are specified in this division, all grapes shall be placed in standard container number 28, 30A, 38J, 38K, 38L, 38Q, or 38R. Group A grapes, as defined in Article 3 (commencing with Section 47661) of this chapter, shall be placed in standard container number 38L and 38R only when the depth does not exceed 5½ inches.

Container number 38R shall not be constructed in any manner which would permit deception or misrepresentation as to the volume contents.

SEC. 3. Section 47827 of the Agricultural Code is amended to read:

47827. Container numbers 38K, 38L, and 38R, when 5½ inches deep, shall be standard for grapes only when containing bunches which are not wrapped, and one outside end of the container is plainly marked, with not less than ¼ inch letters, with the words "Net weight 26 lbs." or "Net wt. 26 lbs." Such marking is not, however, required if the bunches of grapes are completely surrounded by sawdust, paper wraps or other similar packing material.

SEC. 4. Section 47851 of the Agricultural Code is amended to read:

47851. Every container of grapes, shall bear upon it in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person that first authorized packing of the grapes or the name under which such person is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of grapes, if known, or if not known, the words "Unknown variety." If two or more varieties are placed in the same container, the words "Mixed varieties." In lieu of the term "Mixed varieties," a mixture of white grapes may be marked "Mixed white varieties" and a mixture of black grapes may be marked "Mixed black varieties."

SEC. 5. Section 47854 of the Agricultural Code is amended to read:

47854. Notwithstanding Section 47821, when group A grapes, as defined in Article 3 (commencing with Section 47661) of this chapter, are shipped as juice grapes, they may be placed in standard container number 38L and 38R, including those with depths exceeding 5 $\frac{1}{4}$ inches, and the term "juice" shall appear on the container in conjunction with the name of the variety of grapes.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

It is necessary that the changes made in standard containers by this act go into immediate effect so that they can be used in the current marketing season.

CHAPTER 491

An act to add Section 31641.45 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.45 is added to the Government Code, to read:

31641.45. If a member subsequently becomes entitled to receive by redeposit or otherwise a pension or retirement allowance for the service for which he was granted public service credit as authorized in Section 31641.1, regardless of whether or not the member elects to exercise such entitlement, the member shall be refunded the amount deposited by him in accordance with Section 31641.2 plus interest which has been credited to such amount and shall receive no credit in the system for such service.

CHAPTER 492

An act to amend Section 24074 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24074 of the Business and Professions Code is amended to read:

24074. Before the filing of such a transfer application with the department, if the intended transfer of the business or license involves a purchase price or consideration, the licensee and the intended transferee shall establish an escrow with some person, corporation, or association not a party to the transfer acting as escrow holder, and the intended transferee shall deposit with the escrow holder the full amount of the purchase price or consideration. The transfer application shall be accompanied by a description of the entire consideration. Such description shall include a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof. The licensee and intended transferee shall also enter into an agreement, which agreement shall be deposited with the escrow holder, directing the escrow holder, after the requirements for transfer as provided in Section 24049 are satisfied, to pay out of the purchase price or consideration, the claims of the bona fide creditors of the licensee who file their claims with the escrow holder before the escrow holder is notified by the department of its approval of the transfer of the license or if the purchase price or consideration is not sufficient to pay the claims in full, to distribute the consideration as follows:

First, To the payment of claims for wages, salaries, or fringe benefits of employees of the seller or transferor earned or accruing within ninety (90) days prior to the sale, transfer, or opening of an escrow for the sale thereof;

Second, To the payment of claims of secured creditors to the extent of the proceeds which arise from the sale of the security;

Third, To the United States for claims based on income or withholding taxes; and thereafter for claims based on any tax other than taxes specified in Section 24049;

Fourth, To the payment of claims on mechanics' liens;

Fifth, To the payment of escrow fees and the payment of claims for prevailing brokerage fees for services rendered and claims for reasonable attorney's fees for services rendered;

Sixth, To the payment of claims for goods sold and delivered to the transferor for resale at his licensed premises and the payment of claims for services rendered, performed, or supplied in connection with the operation of the licensed business.

Seventh, To the payment of all other claims. The payment of these claims if sufficient assets are not available for the payment of the claim in full shall be paid pro rata.

If the transferor licensee disputes any claim, the escrow holder shall notify the claimant, and the amount or pro rata amount thereof shall be retained by the escrow holder for a period of 25 days, and if not attached shall be paid to the transferor licensee. The agreement shall also provide that the escrow holder shall make the payment or distribution within a reasonable time after the completion of the transfer of the license.

CHAPTER 493

An act to amend Section 25505.8 of the Education Code, relating to nonresident junior college tuition.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25505.8 of the Education Code is amended to read:

25505.8. A district may admit and shall charge a tuition fee to nonresident students. The district may exempt from all or parts of the fee nonresidents who (a) enroll for six units or less, (b) are both citizens and residents of a foreign country, or (c) are military personnel or the dependents of military personnel. Any exemptions shall be made with regards to all nonresidents described in (a), or (b), or (c) above, and shall not be made on an individual basis.

A district may, without the approval of the Superintendent of Public Instruction contract with a state, the federal government, a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

The nonresident tuition fee shall be paid in two equal installments at the beginning of each semester, or three equal installments at the beginning of each quarter and shall be set by the Board of Governors of the California Community Colleges not later than January 1st of each year. The fee shall represent the amount per student enrolled in junior colleges in all the districts of the state, which is expended by all the districts from district tax funds for the costs of instruction as defined by the California School Accounting Manual for pupils enrolled in grades 13 and 14.

The amount per pupil enrolled shall be derived by dividing the costs of instruction expended from district funds during the preceding year by the quotient of the average daily attendance during the same year in grades 13 and 14 of all districts maintaining junior colleges in the state divided by 1.2. The same fee shall be charged irrespective of the type of class in which the student is enrolled.

The Board of Governors of the California Community Colleges shall also adopt a per-unit tuition fee for nonresidents on less than a full-time basis by dividing the fee for full-time nonresidents by 30 (units). The same per-unit rate shall be charged all nonresident students attending any summer sessions maintained by the junior college.

A district shall report annually to the Board of Governors of the California Community Colleges the number of nonresidents enrolled for six units or less, the number of nonresidents enrolled for more than six units, and the total amount of fees collected from each category.

The provisions of this section which require a mandatory fee for nonresidents shall not apply to any district in which during the school year 1962-63 more than 15 percent of the students enrolled were residents of another state; except that the provisions of this section shall apply to such districts beginning with the school year 1975-1976 and except that the provisions of this section which require annual reports to be filed with the Board of Governors of the California Community Colleges on the number of such students enrolled shall apply to such districts in the same manner as to any other district.

CHAPTER 494

An act to amend Sections 1161, 1162, and 25413.5 of the Education Code, relating to school district governing board, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1161 of the Education Code is amended to read:

1161. Vacancies on school district governing boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the county superintendent of schools, be irrevocable.

SEC. 2. Section 1162 of the Education Code is amended to read:

1162. Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the county superintendent of schools having jurisdiction shall immediately call a special election to elect a successor to serve during the remainder of

the term in which the vacancy occurs or will occur. The special election shall be conducted no later than the 120th day after the written resignation is filed with the county superintendent of schools. The election shall be called and conducted in as nearly the same manner as practicable as other governing board member elections.

SEC. 3. Section 25413.5 of the Education Code is amended to read:

25413.5. The provisions of Article 4 (commencing with Section 1161) of Chapter 4 of Division 4 regarding vacancies on school district governing boards are incorporated into this article as if fully set out herein so as to be applicable to vacancies on the governing boards of junior college districts.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Authorizing school district governing board members to defer the effective date of resignations rather than having such resignations take effect immediately upon filing with the county superintendent of schools will promote the more orderly filling of vacancies and will minimize the occurrence of extended periods of vacancy pending the election of new members. In order that this more satisfactory procedure may be made available to the school districts of the state at the earliest possible time, it is essential that this act take immediate effect; and this is especially so since 1970 is a year in which statewide elections are to be held in June and November.

CHAPTER 495

An act to amend Section 2873.5 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2873.5 of the Business and Professions Code is amended to read:

2873.5. Any person who has served on active duty in the medical corps of any of the armed forces for a period of not less than 24 months, of which no less than an aggregate of 12 months has been in rendering patient care, and who has completed the basic course of instruction in nursing required by his particular branch of the armed forces, and whose service in the armed forces has been under honorable conditions, shall be granted a license upon proof that he possesses the necessary qualifications of this section, as set forth in his service records, and upon his passing an examination.

CHAPTER 496

An act to add Sections 58749 and 58895 to the Agricultural Code, relating to agricultural marketing orders and agreements.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 58749 is added to the Agricultural Code, to read:

58749. The director may issue and make effective a marketing order or marketing agreement which applies to two or more commodities. The producers or handlers of each commodity encompassed by such marketing order or agreement shall have all rights and privileges contained in this chapter as though such producers or handlers were directly affected by a marketing order or agreement regulating only a single commodity. If the producers or handlers of one commodity who are directly affected by a marketing order or agreement which applies to two or more commodities act to enjoin, amend, suspend or terminate the provisions thereof to such commodity, the order or agreement shall not be enjoined, amended, suspended or terminated with respect to any other commodity regulated by such order or agreement unless the director finds such injunction, amendment, suspension, or termination respecting one commodity makes continuance of the order or agreement no longer feasible or it fails to attain the objectives of this chapter. Unless the director makes findings to the contrary, a marketing order or agreement applicable to more than one commodity is deemed to be severable with respect to each commodity encompassed by it and also severable as to each sentence, clause, or part as it applies to each commodity. There shall be a clear and concise definition or identification of each commodity regulated by such multiple commodity marketing order or agreement.

SEC. 2. Section 58895 is added to the Agricultural Code, to read:

58895. A marketing order may contain provisions to detect, control, prevent damage by or to eradicate insects, predators, diseases, or parasites with respect to any commodity or group of commodities. The advisory board may recommend and the director may approve measures to assist in the prevention or reduction of losses to crops or livestock caused by predators, insects, disease or parasite infestations, including the establishment and operation of detection, inspection, spraying, dusting, fumigating or other control measures.

CHAPTER 497

An act to amend Sections 851.7 and 1203.45 of the Penal Code and to amend Section 781 of the Welfare and Institutions Code, relating to records.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 851.7 of the Penal Code is amended to read:

851.7. (a) Any person who has been arrested for a misdemeanor, with or without a warrant, while a minor, may, during or after minority, petition the court in which the proceedings occurred or, if there were no court proceedings, the court in whose jurisdiction the arrest occurred, for an order sealing the records in the case, including any records of arrest and detention, if any of the following occurred:

(1) He was released pursuant to paragraph (1) of subdivision (b) of Section 849.

(2) Proceedings against him were dismissed, or he was discharged, without a conviction.

(3) He was acquitted.

(b) If the court finds that the petitioner is eligible for relief under subdivision (a), it shall issue its order granting the relief prayed for. Thereafter, the arrest, detention, and any further proceedings in the case shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(c) This section applies to arrests and any further proceedings that occurred before, as well as those that occur after, the effective date of this section.

(d) This section does not apply to any person taken into custody pursuant to Section 625 of the Welfare and Institutions Code, or to any case within the scope of Section 781 of the Welfare and Institutions Code, unless, after a finding of unfitness for the juvenile court or otherwise, there were criminal proceedings in the case, not culminating in conviction. If there were criminal proceedings not culminating in conviction, this section shall be applicable to such criminal proceedings if such proceedings are otherwise within the scope of this section.

(e) This section does not apply to arrests for, and any further proceedings relating to, any of the following:

(1) Offenses for which registration is required under Section 290.

(2) Offenses under Division 10 (commencing with Section 11000) of the Health and Safety Code.

(3) Offenses under the Vehicle Code or any local ordinance relating to the operation, stopping, standing, or parking of a vehicle.

(f) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted in evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

SEC. 2. Section 1203.45 of the Penal Code is amended to read:

1203.45. (a) In any case in which a person was under the age of 21 years at the time of commission of a misdemeanor and is eligible for, or has previously received, the relief provided by Section 1203.4 or 1203.4a, such person, in a proceeding under Section 1203.4 or 1203.4a, or a separate proceeding, may petition the court for an order sealing the record of conviction and other official records in the case, including records of arrests resulting in the criminal proceeding and records relating to other offenses charged in the accusatory pleading, whether defendant was acquitted or charges were dismissed. If the court finds that such person was under the age of 21 at the time of the commission of the misdemeanor, and is eligible for relief under Section 1203.4 or 1203.4a or has previously received such relief, it may issue its order granting the relief prayed for. Thereafter such conviction, arrest, or other proceeding shall be deemed not to have occurred, and the petitioner may answer accordingly any question relating to their occurrence.

(b) This section applies to convictions which occurred before, as well as those which occur after, the effective date of this section.

(c) This section shall not apply to offenses for which registration is required under Section 290, to violations of Division 10 (commencing with Section 11000) of the Health and Safety Code, or to misdemeanor violations of the Vehicle Code relating to operation of a vehicle or of any local ordinance relating to operation, standing, stopping, or parking of a motor vehicle.

(d) This section does not apply to a person convicted of more than one offense, whether the second or additional convictions occurred in the same action in which the conviction as to which relief is sought occurred or in another action, except in the following cases:

(1) One of the offenses includes the other or others.

(2) The other conviction or convictions were for the following:

(i) Misdemeanor violations of Chapters 1 (commencing with Section 21000) to 9 (commencing with Section 22500), inclusive, or Chapters 12 (commencing with Section 23100) to

14 (commencing with Section 23340), inclusive, of Division 11 of the Vehicle Code, other than Sections 23101 to 23108, inclusive, or Section 23121.

(ii) Violation of any local ordinance relating to the operation, stopping, standing, or parking of a motor vehicle.

(3) The other conviction or convictions consisted of any combination of paragraphs (1) and (2).

(e) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

SEC. 3. Section 781 of the Welfare and Institutions Code is amended to read:

781. (a) In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge a person a dependent child or ward of the court, in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 626, or in any case in which a minor is taken before any officer of a law enforcement agency, the person or the county probation officer may, five years or more after the jurisdiction of the juvenile court has terminated as to the person, or, in a case in which no petition is filed, five years or more after the person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 626 or was taken before any officer of a law enforcement agency, or, in any case, at any time after the person has reached the age of 21 years, petition the court for sealing of the records, including records of arrest, relating to the person's case, in the custody of the juvenile court and probation officer and any other agencies, including law enforcement agencies, and public officials as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction or action pursuant to Section 626, as the case may be, he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in the person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in

the order. Thereafter, the proceedings in such case shall be deemed never to have occurred, and the person may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise, except as provided in subdivision (b), such records shall not be open to inspection.

(b) In any action or proceeding based upon defamation, a court, upon a showing of good cause, may order any records sealed under this section to be opened and admitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person who is authorized by the court to inspect them. Upon the judgment in the action or proceeding becoming final, the court shall order the records sealed.

CHAPTER 498

An act to repeal Section 2 of Chapter 206 of the Statutes of 1969, relating to fire protection districts.

[Approved by Governor July 23, 1970 Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 206 of the Statutes of 1969 is repealed.

CHAPTER 499

An act to amend Section 11110 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 23, 1970 Filed with
Secretary of State July 23, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11110 of the Vehicle Code is amended to read:

11110. The department may cancel, suspend, or revoke, or refuse to renew any license under the provisions of this chapter:

(a) Whenever the department is satisfied that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) Whenever the licensee fails to keep the records required by this chapter.

(c) Whenever the licensee permits fraud or engages in fraudulent practices either with reference to the applicant or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant for a driver's license.

(d) Whenever the holder fails to comply with any provisions of this chapter or any of the regulations or requirements of the department made pursuant thereto.

(e) Whenever the licensee represents himself as an agent or employee of the department or uses advertising designed or which would reasonably have the effect of leading persons to believe that such licensee was in fact an employee or representative of the department, or whenever the licensee advertises in any manner or means whatever any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) Whenever the licensee or any employee or agent of such licensee solicits driver training or instruction in an office of the department or within 200 feet of any such office.

(g) Whenever the licensee is convicted of driving an automobile while under the influence of intoxicating liquor or of violating Sections 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23105, or 23106 of this code or Section 192 of the Penal Code.

(h) Whenever the licensee has been convicted of any crime, does any act or series of acts, or is guilty of conduct, which conviction, action or conduct manifests a disability or unfitness to perform properly the licensee's occupational duties or lack of good moral character even though unrelated to proper performance of such occupational duties, and whenever disability or unfitness to perform properly the occupational duties of the licensee is the basis of suspension or revocation, the referee, hearing officer or board makes a specific finding as to the manner in which the conviction, action or conduct manifests such disability or unfitness, which finding is to be incorporated in the order suspending or revoking the license.

(i) Whenever contrary to provisions of this code or of regulations established by the department, the licensee teaches or permits a student to be taught the specific tests administered by the department through use of the department's forms or testing facilities.

CHAPTER 500

An act to amend Section 11535 of the Business and Professions Code, relating to subdivision maps.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11535 of the Business and Professions Code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger, or such other amount, up to 60 acres, as may be specified by local ordinances.

(d) In any case provided in subdivisions (c) (1), (c) (2), and (c) (3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as

provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivision (c) (3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

CHAPTER 501

An act to amend Section 432.5 of the Health and Safety Code, relating to public health.

[Approved by Governor July 23, 1970. Filed with
Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 432.5 of the Health and Safety Code is amended to read:

432.5. The state plan shall set forth the relative need for the several projects included in the construction program, determined on the basis of the relative need of different sections of the population and of different areas lacking adequate hospital facilities, giving special consideration to areas with relatively small financial resources, and in accordance with the regulations of the Surgeon General prescribed pursuant to the federal act, and shall provide for their construction in the order of relative need so determined, insofar as financial resources available therefor and for maintenance and

operations make it possible. In enacting this section it is the intent of the Legislature to encourage the design of projects and the development of programs that undertake responsibility to provide in an efficient manner comprehensive health care, including outpatient and preventive care, as well as hospitalization, to a defined population or populations.

For purposes of this section, the criterion of efficiency referred to herein shall include, but not be limited to, a consideration of the utilization of health facilities and services, including policies, mechanisms, and procedures to prevent excessive utilization.

CHAPTER 502

An act to add Section 8516.5 to the Business and Professions Code, relating to pest control.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8516.5 is added to the Business and Professions Code, to read:

8516.5. Any person who makes an inspection of any property relating to the absence or presence of wood-destroying pests or organisms on such property and makes a report of such inspection shall furnish a copy of the report either to the owner of the property, or if the owner has consented in writing, to the agent of the owner, within five days after completing the report.

CHAPTER 503

An act to amend Sections 5074, 7102, 7153, and 7153.1 of the Financial Code, relating to savings and loan associations.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5074 of the Financial Code is amended to read:

5074. An amortized loan is a loan which provides for payments to be made of interest and on the principal in monthly installments. The installments as to the combined principal and interest shall be at least of a sufficient amount so that the smallest installment provided in the note evidencing the loan, other than the last installment, if continued at such monthly intervals would result in paying the entire principal within the maximum legal term for the particular loan. The first installment which includes principal on each amortized loan

must fall due within the time limits specified in Section 7151 of this code.

A loan made to finance the construction of real property is an amortized loan if it meets the requirements set forth above or if such loan provides for payment in full on or before 18 months have elapsed from the date of the loan.

SEC. 2. Section 7102 of the Financial Code is amended to read:

7102. For each loan made by an association a note or other obligation must be executed by the borrower and must be secured, except as otherwise provided in this chapter, by any of the following:

(a) A first mortgage or first trust deed upon real property.

(b) The pledge of shares or investment certificates of such association.

(c) The pledge of bonds or other collateral.

Each such note or other obligation secured by a first mortgage or first trust deed upon real property shall express a rate of interest.

SEC. 3. Section 7153 of the Financial Code is amended to read:

7153. An association may make amortized loans upon the security of residential real property, the principal improvements on which consist of a dwelling or dwellings for not more than four families, in an amount not in excess of 80 percent of the appraised value of such real property.

SEC. 4. Section 7153.1 of the Financial Code is amended to read:

7153.1. An association may make amortized loans upon the security of improved real property in an amount not in excess of 80 percent of the appraised value of such real property if one of the following conditions is met:

(a) The real property is a condominium, as defined in Civil Code Section 783, designed for one-family occupancy, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the condominium project.

(b) The real property is a residential unit designed for one-family occupancy within a community apartment project in which an undivided interest in the real property is coupled with the exclusive right of occupancy of such residential unit and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the community apartment project.

(c) The real property is a residential unit, designed for one-family occupancy, within a cluster-type residential project, in which the interest in such real property is coupled with an undivided interest in common in a portion of the remaining real property on which such project is located, and binding contracts have been entered into for the bona fide sale of not less than the majority of the residential units in the project.

CHAPTER 504

An act to add Section 13084.5 to the Education Code, relating to employee organizations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13084.5 is added to the Education Code, to read:

13084.5. Any employee organization shall have standing to sue in any action or proceeding heretofore or hereafter instituted by it as representative and on behalf of one or more of its members with respect to any matter within the scope of its representation. The provisions of this section are expressly intended to apply to actions or proceedings commenced prior to, but concluded or pending as of, as well as on and after, the effective date of this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Public funds have been expended and are being expended in litigation instituted by employee organizations on behalf of members. Recent judicial decisions have cast serious doubt upon the validity of proceedings previously reduced to judgment, and now pending, and issues heretofore litigated may have to be relitigated at additional cost to school districts and their public attorneys. In order to avoid such duplication of expenditure it is necessary that this act take effect immediately.

CHAPTER 505

An act to add Section 6738.2 to the Business and Professions Code, relating to professional engineers.

[Approved by Governor July 23, 1970. Filed with Secretary of State July 23, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6738.2 is added to the Business and Professions Code, to read:

6738.2. Notwithstanding the provisions of subdivision (a) of Section 6738 the name of a partnership, firm, or corporation under which an engineer offers to and does practice may contain the names of licensed land surveyors, if all other conditions of Sections 6738 and 8729 are complied with.

CHAPTER 506

An act to add Section 18684.2 to the Revenue and Taxation Code, relating to the Personal Income Tax Law, to take effect immediately, tax levy.

[Approved by Governor July 24, 1970. Filed with
Secretary of State July 24, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18684.2 is added to the Revenue and Taxation Code, to read:

18684.2. (a) In case of failure to pay the amount shown as tax on any return specified in this part on or before the date prescribed for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, a penalty is hereby imposed consisting of: (1) 5 percent of the total tax unpaid (as defined in subdivision (c)), and (2) an amount computed at the rate of 0.5 percent per month of the "remaining tax" (as defined in subdivision (d)) for each month during which the tax is unpaid (not exceeding 36 months). The penalty imposed by this section shall be due and payable upon notice and demand by the Franchise Tax Board. The tender of a check or money order does not constitute payment of the tax for purposes of this section unless the check or money order is paid on presentment.

(b) The penalty prescribed by subdivision (a) shall not be assessed if, for the same taxable year, the sum of any penalties imposed under Section 18681 (relating to failure to file return) and Section 18682 (relating to failure to file return after demand) is equal to or greater than the subdivision (a) penalty. In the event the penalty imposed under subdivision (a) is greater than the sum of any penalties imposed under Section 18681 and 18682, only the subdivision (a) penalty will be assessed.

(c) For purposes of this section, total tax unpaid means the amount of tax shown on the return reduced by: (1) the amount of any part of the tax which is paid on or before the date prescribed for filing the return, and (2) the amount of any credit against the tax which may be claimed upon the return.

(d) For purposes of this section, "remaining tax" means total tax unpaid reduced by the amount (if any) of any payment of the tax.

(e) If the amount required to be shown as a tax on a return is less than the amount shown as tax on such return, subdivision (a), subdivision (c), and subdivision (d) shall be applied by substituting such lower amount.

(f) No interest shall accrue on the portion of the penalty described in paragraph (2) of subdivision (a).

SEC. 2. The provisions of this act shall apply with respect to returns with a due date on or after the effective date of this act.

SEC. 3. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

CHAPTER 507

An act providing for an advance allocation of state financial support to the Lakeside Elementary School District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 24, 1970. Filed with
Secretary of State July 24, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Not later than July 26, 1970, the Superintendent of Public Instruction shall allocate to the Lakeside Elementary School District in Kings County, from amounts appropriated to the State School Fund, the sum of seventy-five thousand dollars (\$75,000), which amount shall be in addition to the advance apportionment computed for the district pursuant to Section 17401 of the Education Code for the 1970-1971 fiscal year. He shall certify the amount of such allocation to the State Controller, who shall transfer the amount certified to the Lakeside Elementary School District.

SEC. 2. The Superintendent of Public Instruction shall, during the 1970-1971 fiscal year, withhold from the apportionments to be made to the district from the State School Fund as part of the first principal apportionment and subsequent apportionments, an amount equal to the amount actually disbursed to the district pursuant to Section 1 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 1 of this act.

SEC. 3. It is the intent of the Legislature that, subject to the provisions of this act, the Lakeside Elementary School District receive only so much in total state financial support during the 1970-1971 fiscal year, as it would otherwise be entitled.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that needed funds may be made available to the Lakeside Elementary School District at the earliest time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 508

An act to add Chapter 13 (commencing with Section 13970) to Division 7 of the Water Code, relating to providing for the preparation, issuance and sale of state bonds to create a fund to provide aid to public agencies in the planning, design and construction of facilities for the control and prevention of water pollution; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; appropriating money for the purpose of carrying out this chapter; and providing for the submission of the measure to the people at a special election to be consolidated with the 1970 general election.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 13 (commencing with Section 13970) is added to Division 7 of the Water Code, to read:

CHAPTER 13. CLEAN WATER BOND LAW OF 1970

13970. This chapter may be cited as the Clean Water Bond Law of 1970.

13971. The Legislature hereby finds and declares that clean water, which fosters the health of the people, the beauty of their environment, the expansion of industry and agriculture, the enhancement of fish and wildlife, the improvement of recreational facilities and the provision of pure drinking water at a reasonable cost, is an essential public need. Although the State of California is endowed with abundant lakes and ponds, streams and rivers, and hundreds of miles of shoreline, as well as large quantities of underground water, these vast water resources are threatened by pollution, which, if not checked, will impede the state's economic, community and social growth. The chief cause of pollution is the discharge of inadequately treated waste into the waters of the state. Many public agencies have not met the demands for adequate waste treatment or the control of water pollution because of inadequate financial resources and other responsibilities. Increasing population accompanied by accelerating urbanization, growing demands for water of high quality, rising costs of construction and technological changes mean that unless the state acts now the needs may soar beyond the means available for public finance. Meeting these needs is a proper purpose of the federal, state and local governments. Local agencies, by reason of their closeness to the problem, should continue to have primary

responsibility for construction, operation and maintenance of the facilities necessary to cleanse our waters. Since water pollution knows no political boundaries and since the cost of eliminating the existing backlog of needed facilities and of providing additional facilities for future needs will be beyond the ability of local agencies to pay, the state, to meet its responsibility to protect and promote the health, safety and welfare of the inhabitants of the state, should assist in the financing. The federal government is contributing to the cost of control of water pollution, and just provision should be made to cooperate with the United States of America. It is the intent of this chapter to provide necessary funds to insure the full participation by the state under the provisions of Section 8 of the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) and acts amendatory thereof or supplementary thereto.

13972. The State General Obligation Bond Law is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter except that notwithstanding anything in the State General Obligation Bond Law, the bonds authorized hereunder shall bear such rates of interest, or maximum rates, as may from time to time be fixed by the State Treasurer, with the approval of the committee, and the maximum maturity of the bonds shall not exceed 50 years from the date of the bonds, or from the date of each respective series. The maturity of each respective series shall be calculated from the date of such series.

13973. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the Clean Water Finance Committee, created by Section 13974.

(b) "Board" means the State Water Resources Control Board.

(c) "Fund" means the State Clean Water Fund.

(d) "Municipality" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) and acts amendatory thereof or supplementary thereto and shall also include the state or any agency or department thereof.

(e) "Treatment works" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) and acts amendatory thereof or supplementary thereto.

(f) "Construction" shall have the same meaning as in the Federal Water Pollution Control Act (33 U.S.C. 466 et seq.) and acts amendatory thereof or supplementary thereto.

(g) "Eligible project" means a project for the construction of treatment works which is all of the following:

(1) Eligible for federal assistance, whether or not federal funds are then available therefor;

(2) Necessary to prevent water pollution;

(3) Certified by the board as entitled to priority over other treatment works, and which complies with applicable water quality standards, policies and plans.

(h) "Federal assistance" means funds available to a municipality either directly or through allocation by the state, from the federal government as grants for construction of treatment works, pursuant to Section 8 of the Federal Water Pollution Control Act, and acts amendatory thereof.

13974. The Clean Water Finance Committee is hereby created. The committee shall consist of the Governor or his designated representative, the State Controller, the State Treasurer, the Director of Finance, and the chairman of the board. The executive officer of the board shall serve as a member of the committee in the absence of the chairman. Said committee shall be the "committee" as that term is used in the State General Obligation Bond Law.

13975. The committee is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of two hundred fifty million dollars (\$250,000,000), in the manner provided in this chapter. Such debt or debts, liability or liabilities, shall be created for the purpose of providing the fund to be used for the object and work specified in Section 13976.

13976. (a) The moneys in the fund shall be used for the purposes set forth in this section.

(b) The board is authorized to enter into contracts with municipalities having authority to construct, operate and maintain treatment works, for grants to such municipalities to aid in the construction of eligible projects, and for reclamation of water.

Grants may be made pursuant to this section to reimburse municipalities for construction for which contracts were let subsequent to July 1, 1970, and before the first sale of bonds authorized to be issued by this chapter.

Any contract pursuant to this section may include such provisions as may be agreed upon by the parties thereto, and any such contract concerning an eligible project shall include, in substance, the following provisions:

(1) An estimate of the reasonable cost of the eligible project;

(2) An agreement by the board to pay to the municipality, during the progress of construction or following completion of construction as may be agreed upon by the parties, an amount which equals the minimum amount required by federal law for the project to qualify for the maximum amount of federal assistance available;

(3) An agreement by the municipality. (i) to proceed expeditiously with, and complete, the eligible project, (ii) to commence operation of the treatment works on completion thereof, and to properly operate and maintain such works in accordance with applicable provisions of law, (iii) to apply for

and make reasonable efforts to secure federal assistance for the eligible project, (iv) to secure the approval of the board before applying for federal assistance in order to maximize the amounts of such assistance received or to be received for all eligible projects in the state, and (v) to provide for payment of the municipality's share of the cost of the eligible project.

(c) The board may make direct grants to any municipality or by contract or otherwise undertake plans, surveys, research, development and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the board pursuant to this division and to prepare recommendations with regard thereto, including the preparation of comprehensive statewide or areawide studies and reports on the collection, treatment and disposal of waste under a comprehensive cooperative plan.

The aggregate amount of moneys which may be advanced or granted to or committed to municipalities for the purpose of planning, research and development, whether by the board or under the direction of the board or in the form of direct grants to municipalities for such purpose, shall not exceed in the aggregate such amount as may be fixed from time to time by the committee.

(d) The board may from time to time with the approval of the committee transfer moneys in the fund to the State Water Quality Control Fund to be available for loans to public agencies pursuant to Chapter 6 (commencing with Section 13400) of this division.

(e) Not more than one-half of 1 percent of the moneys deposited in the fund may be expended by the board for costs incurred in administering the provisions of this chapter.

(f) As much of the moneys in the fund as is necessary shall be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

(g) The board may with the approval of the committee transfer not more than ten million dollars (\$10,000,000) from the fund to a special reserve fund as additional security for the payment of the principal of and the interest on revenue bonds sold by the state as provided by law to provide funds to municipalities for needed sewage facilities. Such money shall be used for such purpose only after all other securities provided by law have been exhausted. Any money not used for such purpose shall, after retirement of the revenue bonds, be returned to the fund and be available for other purposes provided for in this section.

(h) The board may adopt rules and regulations governing the making and enforcing of contracts pursuant to this section.

13977. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of

California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereon.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect said additional sum.

All money deposited in the fund which has been derived from premium and accrued interest on bonds sold shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

13978. All money deposited in the fund pursuant to any provision of law requiring repayments to the state for assistance financed by the proceeds of the bonds authorized by this chapter shall be available for transfer to the General Fund. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest on the bonds which has been paid from the General Fund.

13979. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 13980, which sum is appropriated without regard to fiscal years.

13980. For the purpose of carrying out the provisions of this chapter, the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund and shall be disbursed by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

13981. Upon request of the board, supported by a statement of the proposed arrangements to be made pursuant to Section 13976 for the purposes therein stated, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such arrangements, and, if so, the amount of bonds then

to be issued and sold. Successive issues of bonds may be authorized and sold to make such arrangements progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

13982. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

13983. All proceeds from the sale of bonds, except those derived from premiums and accrued interest, shall be available for the purpose provided in Section 13976, but shall not be available for transfer to the General Fund to pay principal and interest on bonds. The money in the fund may be expended only as herein provided.

SEC. 2. Section 1 of this act shall take effect upon the adoption by the people of the Clean Water Bond Law of 1970, as set forth in Section 1 of this act. Sections 2 to 9, inclusive, of this act provide for the calling of an election and contain provisions relating to and necessary for the submission of the Clean Water Bond Law of 1970 to the people, and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately.

SEC. 3. A special election is hereby called to be held throughout the state on the third day of November, 1970. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled and distributed relating to the Clean Water Bond Law of 1970, set forth in Section 1 of this act. The Secretary of State shall distribute the ballot pamphlets to the county clerks not later than 45 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than 15 days before the election. The distribution of ballot pamphlets in all respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act. All provisions of this act shall control the submission of Section 1 of this act to, and the holding of, the special election called by this act.

SEC. 5. Upon the effective date of this section, arguments for and against the measure hereby ordered submitted to the electors shall be prepared in time, form and manner as provided in Article 1.8 (commencing with Section 3527) of Chapter 1 of Division 4 of the Elections Code.

SEC. 6. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in

accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act; provided, however, that the Governor need not issue his election proclamation until 30 days before the election.

SEC. 7. Notwithstanding any other provision of law, all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Clean Water Bond Law of 1970," and in the same square under said words the following in eight-point type: "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide funds for water pollution control." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Clean Water Bond Law of 1970," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of two hundred fifty million dollars (\$250,000,000) to provide funds for water pollution control." Opposite the words "For the Clean Water Bond Law of 1970," and "Against the Clean Water Bond Law of 1970," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Clean Water Bond Law of 1970," and those voting against the said act shall do so by placing a cross opposite the words "Against the Clean Water Bond Law of 1970." Provided, that where the voting of said election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said election.

SEC. 8. The votes cast for or against the Clean Water Bond Law of 1970 shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appears that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable until the principal and interest of the liabilities herein created shall be paid and discharged; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 9. Upon the effective date of this section the Secretary of State shall request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code, and the Legislative Analyst to prepare an analysis in accordance with Section 3566.3 of the Elections Code. Each such analysis shall be filed with the Secretary of State within the time specified in the Elections Code.

CHAPTER 509

An act to amend Section 5365 of the Welfare and Institutions Code, relating to conservatorships.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5365 of the Welfare and Institutions Code is amended to read:

5365. All petitions under this chapter shall be heard within 60 days and an attorney shall be provided for the conservatee or proposed conservatee.

CHAPTER 510

An act to amend Sections 6021 and 6022 of the Business and Professions Code, relating to the practice of law.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6021 of the Business and Professions Code is amended to read:

6021. Within the period of 120 days next preceding the annual meeting, the board, at a meeting called for that purpose, shall elect the president, vice presidents and treasurer for the ensuing year. Such officers shall be elected from among the board members who have at least one or more years to complete their respective terms.

The newly elected president, vice presidents and treasurer shall assume the duties of their respective offices at the conclusion of the annual meeting following their election.

SEC. 2. Section 6022 of the Business and Professions Code is amended to read:

6022. The secretary shall be selected annually by the board and need not be a member of the State Bar.

CHAPTER 511

An act to amend Section 229 of the Probate Code, relating to succession.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 229 of the Probate Code is amended to read:

229. (a) If the decedent leaves neither spouse nor issue, and the estate or any portion thereof was separate property of a previously deceased spouse, and came to the decedent from such spouse by gift, descent, devise or bequest, or became vested in the decedent on the death of such spouse by right of survivorship in a homestead or in a joint tenancy between such spouse and the decedent, such property goes in equal shares to the children of the deceased spouse and to their descendants by right of representation, and if none, then to the parents of the deceased spouse in equal shares, or if either is dead to the survivor, or if both are dead, in equal shares to the brothers and sisters of the deceased spouse and to their descendants by right of representation.

(b) If the decedent leaves neither issue nor spouse, that portion of the estate created by gift, descent, devise, or bequest from the separate property of a parent or grandparent shall go to the parent or grandparent who made such gift, devise, or bequest or from whom the property descended, or if such parent or grandparent is dead, such property shall go in equal shares to the heirs of such deceased parent or grandparent.

CHAPTER 512

An act to amend Sections 48, 605, 1976, 3258, 3260, 3304, 3348, and 10809 of, and to repeal Sections 605.1, 3010, and 25431.1 of, the Education Code, relating to the public school system.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 48 of the Education Code is amended to read:

48. A school district lying in more than one county is a joint school district.

SEC. 1.5. Section 605 of the Education Code is amended to read:

605. Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts, provided such elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Where the elections for governing board members are held on the same date, then the provisions of Section 1313 of this code shall apply to the election of members of the county board of education. The first election held under this article (commencing with Section 601) shall be conducted by the county board of supervisors and thereafter by the county board of education. Members shall take office on the first day of July subsequent to their election and shall serve for a term to be determined for each county by the

county committee on school district organization. The county committee on school district organization shall also determine the manner in which the county board of education first elected shall effect a staggering of terms.

SEC. 2. Section 605.1 of the Education Code is repealed.

SEC. 3. Section 1976 of the Education Code is amended to read:

1976. Whenever the boundaries of an elementary school district and a high school district become coterminous, the districts shall be merged into a new unified district.

SEC. 4. Section 3010 of the Education Code is repealed.

SEC. 5. Section 3258 of the Education Code is amended to read:

3258. The county committee may propose plans and recommendations which include either one or both of the following provisions:

(a) Plans for the use of the school property of the districts proposed to be wholly or partially included in a new district, as provided in Sections 1822.2, 3260, and 3348.

(b) Plans for dividing the property, other than real property, of any school district proposed to be divided between two or more school districts, or proposed to be partially included in one or more school districts.

SEC. 6. Section 3260 of the Education Code is amended to read:

3260. When the county committee includes in its plans and recommendations proposals for the use of the school property of the component districts as provided in Sections 1822.2 and 3258, such proposal shall be deemed to be an integral part of the plans and recommendations, and a favorable vote on the question of reorganization, as provided in Article 6 (commencing with Section 3291) of this chapter, shall be deemed to be a favorable vote upon the plans and recommendations as a whole.

SEC. 7. Section 3304 of the Education Code is amended to read:

3304. When a majority of all the votes cast are cast in favor of the unification, the proposal carries.

SEC. 8. Section 3348 of the Education Code is amended to read:

3348. Any unified or otherwise reorganized district acquiring the use of school property under Section 1822.2 shall fully maintain the property and keep it in repair during the period of its use by the unified district. The cost of the maintenance shall be a lawful charge against the funds of the unified district.

Any school property acquired or constructed by any district included in a unified or otherwise reorganized district as a result of the sale of the bonds of the included district shall remain its property until the bonds are retired.

SEC. 9. Section 10809 of the Education Code is amended to read:

10809. Whenever three-fourths of the electors residing in an elementary school district and having children attending in the schools of the district petition the governing board of the district so to do, the governing board of such district with the approval of all the members of the county board of education may provide for the education of all elementary school pupils in the district by another elementary or unified school district subject to such terms and conditions as the governing boards of the two districts may agree upon. The attendance of the pupils shall be credited to the district of attendance and on the next succeeding July 1st, the district of residence shall be subject to the provisions of Sections 2701 to 2705, inclusive.

Sec. 10. Section 25431.1 of the Education Code is repealed.

CHAPTER 513

An act to add Sections 632 and 647 to the Probate Code, relating to estates.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 632 is added to the Probate Code, to read:

632. For the purpose of this article, any property or interest therein or lien thereon which, at the time of the decedent's death, was held by him as joint tenant, or in which he had a life or other estate terminable upon his death, shall be excluded in determining the property or estate of the decedent or its value.

Sec. 2. Section 647 is added to the Probate Code, to read:

647. For the purposes of this article, any property or interest therein or lien thereon which, at the time of the decedent's death, was held by him as joint tenant, or in which he had a life or other estate terminable upon his death, shall be excluded in determining the estate of the decedent or its value.

CHAPTER 514

An act to amend Section 13694 of the Revenue and Taxation Code, relating to the Inheritance Tax Law.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13694 of the Revenue and Taxation Code is amended to read:

13694. Except as otherwise provided in this article, a gift of a general or limited power of appointment made in conjunction with a disposition of property otherwise subject to this part effected before or after 5 p.m. of June 25, 1935, is a transfer subject to this part from the donor to the donee at the date of the donor's death, except that if a power of appointment over any portion or all of the donor's half interest in community property is given to the donor's spouse, the value of any interest, other than the power itself, given the donee in such property subject to such power, up to but not exceeding the value of a life estate therein of the donee, is not subject to this part.

A transfer in trust wherein the trustee, under the terms of the trust, is granted a power limited to making discretionary payments of principal or income for the benefit of a trust beneficiary (or beneficiaries) other than the trustee, is a transfer to the trust beneficiary (or beneficiaries) within the meaning of Section 13306 and is not a power of appointment within the meaning of this section.

CHAPTER 515

An act to amend Sections 22362, 22363, and 22505 of the Vehicle Code, relating to vehicles.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22362 of the Vehicle Code is amended to read:

22362. It is prima facie a violation of the basic speed law for any person to operate a vehicle in excess of the posted speed limit upon any portion of a highway where officers or employees of the agency having jurisdiction of the same, or any contractor of the agency or his employees, are at work on the roadway or within the right-of-way so close thereto as to be endangered by passing traffic. This section applies only when appropriate signs, indicating the limits of the restricted zone, and the speed limit applicable therein, are placed by such agency within 400 feet of each end of such zone. The signs shall display the figures indicating the applicable limit, which shall not be less than 25 miles per hour, and shall indicate the purpose of the speed restriction. Nothing in this section shall be deemed to relieve any operator of a vehicle from complying with the basic speed law.

SEC. 2. Section 22363 of the Vehicle Code is amended to read:

22363. Notwithstanding any speed limit that may be in effect upon the highway, the Department of Public Works in

respect to state highways, or a local authority with respect to highways under its jurisdiction, may determine and declare a prima facie speed limit of 40, 35, 30, or 25 miles per hour, whichever is found most appropriate and is reasonable and safe based on the prevailing snow or ice conditions upon such highway or any portion thereof. Signs may be placed and removed as snow or ice conditions vary.

SEC. 3. Section 22505 of the Vehicle Code is amended to read:

22505. (a) The Department of Public Works with respect to highways under its jurisdiction may place signs or markings prohibiting or restricting the parking of vehicles where in its opinion, as evidenced by resolution or order entered in its minutes, such parking is dangerous to those using the highway or where the parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall park any vehicle in violation of the restrictions stated on such signs or markings.

(b) This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway.

CHAPTER 516

An act to maintain the Welfare and Institutions Code by amending Sections 885, 5002, 5008, 5150, 5170, 6002, 6004, 6008, 6306, 11300, 11301, 11303, 11304, 11306, 11308, 15100 and 15153.5 of, by amending and renumbering Section 5110 of, and by repealing Sections 4318 as added by Chapter 451 of the Statutes of 1968 and 4319 as added by Chapter 451 of the Statutes of 1968 thereof, relating to welfare and institutions.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 885 of the Welfare and Institutions Code is amended to read:

885. The Youth Authority shall adopt and prescribe the minimum standards of construction, operation, programs of education, and training and qualifications of personnel for such juvenile homes or camps. No county establishing or conducting such juvenile homes or camps shall be entitled to receive any state funds provided for in this article unless and until the minimum standards and qualifications referred to in this section are complied with by such county. Type and standards of construction shall be approved by the county architect's office, county department of public works, or such

county department having jurisdiction over public construction.

SEC. 2. Section 4318 of the Welfare and Institutions Code as added by Chapter 451 of the Statutes of 1968 is repealed.

SEC. 3. Section 4319 of the Welfare and Institutions Code as added by Chapter 451 of the Statutes of 1968 is repealed.

SEC. 4. Section 5002 of the Welfare and Institutions Code is amended to read:

5002. Mentally disordered persons and persons impaired by chronic alcoholism may no longer be judicially committed.

Mentally disordered persons shall receive services pursuant to this part. Persons impaired by chronic alcoholism may receive services pursuant to this part if they elect to do so pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of this part.

Epileptics may no longer be judicially committed.

This part shall not be construed to repeal or modify laws relating to the commitment of mentally disordered sex offenders, narcotic drug addicts, habit-forming drug addicts, mentally abnormal sex offenders, mentally retarded persons, juvenile court wards, and mentally disordered criminal offenders.

SEC. 5. Section 5008 of the Welfare and Institutions Code is amended to read:

5008. Unless the context otherwise requires, the following definitions shall govern the construction of this part:

(a) "Evaluation" consists of multidisciplinary professional analyses of a person's medical, psychological, social, financial, and legal conditions as may appear to constitute a problem. Persons providing evaluation services shall be properly qualified professionals and may be full-time employees of an agency providing evaluation services or may be part-time employees or may be employed on a contractual basis.

(b) "Court-ordered evaluation" means an evaluation ordered by a superior court pursuant to Article 2 (commencing with Section 5200) or by a court pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of this part;

(c) "Intensive treatment" consists of such hospital and other services as may be indicated. Intensive treatment shall be provided by properly qualified professionals and carried out in facilities qualifying for reimbursement under the California medical assistance program set forth in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of this code, or under Title XVIII of the Federal Social Security Act and regulations thereunder. Intensive treatment may be provided in hospitals of the United States government by properly qualified professionals. Nothing in this part shall be construed to prohibit an intensive treatment facility from also providing 72-hour treatment and evaluation;

(d) "Referral" is referral of persons by each agency or facility providing intensive treatment or evaluation services to other agencies or individuals. The purpose of referral shall be to provide for continuity of care, and may include, but

need not be limited to, informing the person of available services, making appointments on the person's behalf, discussing the person's problem with the agency or individual to which the person has been referred, appraising the outcome of referrals, and arranging for personal escort and transportation when necessary. Referral shall be considered complete when the agency or individual to whom the person has been referred accepts responsibility for providing the necessary services. All persons shall be advised of available precare services which prevent initial recourse to hospital treatment or aftercare services which support adjustment to community living following hospital treatment. Such services may be provided through county welfare departments, State Department of Social Welfare, Department of Mental Hygiene, Short-Doyle programs or other local agencies.

Each agency or facility providing evaluation services shall maintain a current and comprehensive file of all community services, both public and private. Such files shall contain current agreements with agencies or individuals accepting referrals, as well as appraisals of the results of past referrals;

(e) "Crisis intervention" consists of an interview or series of interviews within a brief period of time, conducted by qualified professionals, and designed to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the person or the family. The interview or interviews may be conducted in the home of the person or family, or on an inpatient or outpatient basis with such therapy, or other services, as may be appropriate. Crisis intervention may, as appropriate, include suicide prevention, psychiatric, welfare, psychological, legal, or other social services;

(f) "Prepetition screening" is a screening of all petitions for court-ordered evaluation as provided in Article 2 (commencing with Section 5200) of Chapter 2, consisting of a professional review of all petitions; an interview with the petitioner and, whenever possible, the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, to assess the problem and explain the petition; when indicated, efforts to persuade the person to receive, on a voluntary basis, comprehensive evaluation, crisis intervention, referral, and other services specified in this part.

(g) "Conservatorship investigation" means investigation by an agency appointed or designated by the governing body of cases in which conservatorship is recommended pursuant to Chapter 3 (commencing with Section 5350) of this part;

(h) For purposes of Article 1 (commencing with Section 5150), Article 2 (commencing with Section 5200), and Article 4 (commencing with Section 5250) of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means a condition in which a person, as a result of a mental disorder, is unable to

provide for his basic personal needs for food, clothing, or shelter.

For purposes of Article 3 (commencing with Section 5225) and Article 4 (commencing with Section 5250), of Chapter 2 of this part, and for the purposes of Chapter 3 (commencing with Section 5350) of this part, "gravely disabled" means a condition in which a person, as a result of impairment by chronic alcoholism, is unable to provide for his basic personal needs for food, clothing, or shelter.

A person of any age may be "gravely disabled" under this definition, but the term does not include mentally retarded persons;

(i) "Peace officer" means each of the persons specified in Sections 830.1 and 830.2 of the Penal Code;

(j) "Postcertification treatment" means an additional period of treatment pursuant to Article 6 (commencing with Section 5300) of Chapter 2 of this part;

(k) "Court," unless otherwise specified, means a court of record or a justice court.

SEC. 6. Section 5110 of the Welfare and Institutions Code is amended and renumbered to read:

5010. Whenever a proceeding is held in a superior court under Article 5 (commencing with Section 5275) or Article 6 (commencing with Section 5300) of this chapter involving a person who has been placed in a facility located outside the county of residence of the person, the provisions of this section shall apply. The county clerk of the county in which the proceeding is held shall make out a statement of all of the costs incurred by the county for the investigation, preparation, and conduct of the proceedings, and the costs of appeal, if any. The statement shall be certified by a judge of the superior court of such county. The statement shall then be sent to the county of residence of the person, which shall reimburse the county providing such services. If it is not possible to determine the actual county of residence of the person, the statement shall be sent to the county in which the person was originally detained, which shall reimburse the county providing the services.

SEC. 7. Section 5150 of the Welfare and Institutions Code is amended to read:

5150. When any person, as a result of mental disorder, is a danger to others, or to himself, or gravely disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other professional person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was

called to the attention of the officer, member of the attending staff, or professional person, and stating that the officer, member of the attending staff, or professional person believes as a result of his personal observations that the person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled.

SEC. 8. Section 5170 of the Welfare and Institutions Code is amended to read:

5170. When any person, as a result of inebriation, is a danger to others, or to himself, or greatly disabled, a peace officer, member of the attending staff, as defined by regulation, of an evaluation facility designated by the county, or other person designated by the county may, upon reasonable cause, take, or cause to be taken, the person into custody and place him in a facility designated by the county and approved by the State Department of Mental Hygiene as a facility for 72-hour treatment and evaluation of inebriates.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, member of the attending staff, or other designated person, and stating that the officer, member of the attending staff, or other designated person believes as a result of his personal observations that the person is, as a result of inebriation, a danger to others, or to himself, or gravely disabled.

SEC. 9. Section 6002 of the Welfare and Institutions Code is amended to read:

6002. The person in charge of any private institution, hospital, clinic, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally disordered may receive therein as a voluntary patient any person suffering from a mental disorder who is a suitable person for care and treatment in the institution, hospital, clinic, or sanitarium who voluntarily makes a written application to the person in charge for admission into the institution, hospital, clinic, or sanitarium, and who is at the time of making the application mentally competent to make the application. A conservatee, with a conservator of the person, or person and estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5358 to place his conservatee, may be admitted upon written application by his conservator.

After the admission of a voluntary patient to a private institution, hospital, clinic, or sanitarium the person in charge shall forward to the office of the State Department of Mental Hygiene a record of the voluntary patient showing such information as may be required by rule by the department.

A voluntary adult patient may leave the hospital, clinic, or institution at any time by giving notice of his desire to leave

to any member of the hospital staff and completing normal hospitalization departure procedures. A conservatee may leave in a like manner if notice is given by his conservator.

SEC. 10. Section 6004 of the Welfare and Institutions Code is amended to read:

6004. The superintendent or person in charge of the county psychiatric hospital may receive, care for, or treat in the hospital any person who voluntarily makes a written application to the superintendent or person in charge thereof for admission into the hospital for care, treatment, or observation, and who is a suitable person for care, treatment, or observation, and who in the case of an adult person is in such condition of mind, at the time of making application for admission, as to render him competent to make such application. In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody. A conservatee, with a conservator of the person, or person and estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as specified by court order under Section 5358 to place his conservatee, may be admitted upon written application by his conservator.

SEC. 11. Section 6008 of the Welfare and Institutions Code is amended to read:

6008. For the purposes of this part, a person who is a conservatee with a conservator of the person or of the person and estate appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 with the right as specified by court order under Section 5358 to place his conservatee in a hospital of the United States government, may be admitted to such a hospital upon written application made by his conservator. A conservatee so admitted to such a hospital may leave the hospital at any time after his conservator gives notice to a member of the hospital staff that the conservatee is leaving and normal hospitalization departure procedures are completed by the conservator or by the conservator and conservatee.

SEC. 12. Section 6306 of the Welfare and Institutions Code is amended to read:

6306. The court shall refer the matter to the probation officer, along with a copy of the certification accompanied by the certifying court's statement, and the name and address of each psychiatrist appointed pursuant to Section 6307, to investigate and report to the court within a specified time, upon the circumstances surrounding the crime and the prior record and history of the person. The report shall include the criminal record, if any, of the person, obtained from the State Bureau of Criminal Identification and Investigation. The probation officer shall furnish to the psychiatrists pertinent information concerning the circumstances surrounding the crime and the prior record and history of the person.

SEC. 13. Section 11300 of the Welfare and Institutions Code is amended to read:

11300. Each county department shall promptly refer to the Department of Human Resources Development for participation under a work incentive program pursuant to Chapter 3 (commencing with Section 5200) of Division 2 of the Unemployment Insurance Code each person selected as being appropriate for referral and for such participation in accordance with criteria and standards established by the Department of Social Welfare pursuant to subdivision (19)(A) of Section 402(a) of the Social Security Act as amended by Public Law 90-248. In developing such criteria and standards, the Department of Social Welfare shall consult with the Department of Human Resources Development.

SEC. 14. Section 11301 of the Welfare and Institutions Code is amended to read:

11301. The Department of Social Welfare and the Department of Human Resources Development shall, by joint agreement, identify the kinds of information regarding persons referred pursuant to Section 11300 which are required for the efficient administration of work incentive programs, and develop methods and procedures which will assure the prompt and orderly exchange of such information between them. Such methods and procedures shall, when promulgated by the Department of Social Welfare, be binding upon the county departments.

SEC. 15. Section 11303 of the Welfare and Institutions Code is amended to read:

11303. Nothing in this chapter shall be construed to discontinue aid under this chapter to a person referred to the Department of Human Resources Development under this article prior to the time he begins participation in a work incentive program provided by the department, or to deny social services for former or potential recipients of aid under this chapter to persons referred to the Department of Human Resources Development under this article while participating in a work incentive program when such services are requested by the Department of Human Resources Development, to the extent permitted by federal law.

SEC. 16. Section 11304 of the Welfare and Institutions Code is amended to read:

11304. Except as required by federal law, nothing in this article shall be construed to preclude or modify aid or services under this chapter to a person who refuses to participate, or discontinues participation, in a work incentive program, in any of the following circumstances:

(a) Prior to a final decision that his withdrawal or refusal was not with good cause, pursuant to the provisions of Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code.

(b) The Department of Human Resources Development determines that his participation or continuance in a work incentive program would not be useful or beneficial to him.

(c) The Department of Human Resources Development determines that an appropriate work incentive program is not available for him because of lack of funds.

(d) Any circumstance which is not a basis for precluding or modifying such aid or services permitted under federal law.

SEC. 17. Section 11306 of the Welfare and Institutions Code is amended to read:

11306. In formulating the minimum basic standards of adequate care pursuant to Section 11452, the Department of Social Welfare shall establish an assistance payment plan and methods of grant computation that are designed to work in harmony with the employability plan developed by the Department of Human Resources Development in accordance with the work incentive program administered by that department pursuant to Division 2 (commencing with Section 5000) of the Unemployment Insurance Code. It is the intent of the Legislature that income and resources expected to be available to the recipient during the period the employability plan is in effect shall be estimated by the county department at the time the recipient is accepted as a participant under the work incentive program and at six-month intervals thereafter.

SEC. 18. Section 11308 of the Welfare and Institutions Code is amended to read:

11308. Upon notification of the Department of Human Resources Development that, pursuant to Chapter 4 (commencing with Section 5300) of Division 2 of the Unemployment Insurance Code, there has been a final determination that a person referred to it under Section 11300 has refused without good cause to accept employment or to participate in a work incentive program, the county department shall discontinue cash aid payments, and shall continue aid under a controlled payment plan in accordance with federal law and the regulations of the department. The allowance for such person's needs shall not be included under a controlled payment plan, except for the first 60 days if during such time he accepts counseling or other services provided by the county department aimed at persuading him to follow the prescribed program.

SEC. 19. Section 15100 of the Welfare and Institutions Code is amended to read:

15100. A revolving fund in the State Treasury is hereby created, to be known as the Welfare Advance Fund. All moneys in the fund are appropriated for the purpose of making payments or advances to counties or the Department of Human Resources Development of the state and federal shares of assistance, work incentive or medical care programs or the cost of administration of such programs, and for the payment of refunds.

Payments or advances of funds to counties or the Department of Human Resources Development, which are properly chargeable to appropriations made from other funds in the State Treasury, may be made by Controller's warrant drawn against the Welfare Advance Fund. For every warrant so issued, the several purposes and amounts for which it was drawn shall be identified for the payee.

The amounts to be transferred to the Welfare Advance Fund at any time shall be determined by the department, and, upon order of the Controller, shall be transferred from the funds and appropriations otherwise properly chargeable therewith to the Welfare Advance Fund.

Refunds of amounts disbursed from the Welfare Advance Fund shall, on order of the Controller, be deposited in the Welfare Advance Fund, and, on order of the Controller, shall be transferred therefrom to the funds and appropriations from which such amounts were originally derived. Claims for amounts erroneously paid into the Welfare Advance Fund shall be submitted by the department to the State Controller who, if he approves such claims, shall draw his warrant in payment thereof against the Welfare Advance Fund.

All amounts increasing the cash balance in the Welfare Advance Fund, which were derived from the cancellation of warrants issued therefrom, shall, on order of the Controller, be transferred to and in augmentation of the appropriations from which such amounts were originally derived.

SEC. 20. Section 15153.5 of the Welfare and Institutions Code is amended to read:

15153.5. Notwithstanding any provision of this article to the contrary, state and federal funds normally due counties for aid payments in behalf of appropriate participants under work incentive programs administered by the Department of Human Resources Development, and the families of such participants, shall be transferred by the Controller to the Manpower Development Fund established pursuant to Section 5400 of the Unemployment Insurance Code. In addition, an amount of money not in excess of the county share of such aid payments shall be determined and deducted from advances of state and federal funds due counties pursuant to Section 15153.

The Department of Social Welfare and the Department of Human Resources Development, subject to the approval of the Director of Finance and the Controller, shall establish procedures and methods for the maintenance of information and accounts and the preparation of reports essential to meet federal requirements, and to provide the Controller with financial statements to support the required transfer of funds.

SEC. 21. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 517

An act to amend Sections 5110 and 5113.5 of the Civil Code, and to amend Section 204 of the Probate Code, relating to inter vivos trusts.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5110 of the Civil Code is amended to read:

5110. All other real property situated in this state and all other personal property wherever situated acquired during the marriage by a married person while domiciled in this state, and property held in trust pursuant to Section 5113.5, is community property; but whenever any real or personal property, or any interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that the same is her separate property, and if acquired by such married woman and any other person the presumption is that she takes the part acquired by her, as tenant in common, unless a different intention is expressed in the instrument; except, that when any of such property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that such property is the community property of said husband and wife and that when a single family residence of a husband and wife is acquired by them during marriage as joint tenants, for the purpose of the division of such property upon dissolution of marriage or legal separation only, the presumption is that such single family residence is the community property of said husband and wife. The presumptions in this section mentioned are conclusive in favor of any person dealing in good faith and for a valuable consideration with such married woman or her legal representatives or successors in interest, and regardless of any change in her marital status after acquisition of said property.

In cases where a married woman has conveyed, or shall hereafter convey, real property which she acquired prior to May 19, 1889, the husband, or his heirs or assigns, of such married woman, shall be barred from commencing or maintaining any action to show that the real property was community property, or to recover the real property from and after one year from the filing for record in the recorder's office of such conveyances, respectively.

As used in this section, personal property does not include and real property does include leasehold interests in real property.

SEC. 2. Section 5113.5 of the Civil Code is amended to read:

5113.5. Where community property, before or after the effective date of this section, is transferred by the husband and wife to a trust, regardless of the identity of the trustee, which trust originally or as amended prior or subsequent to such transfer (a) is revocable in whole or in part during their joint lives, (b) provides that the property after transfer to the trust shall remain community property and any withdrawal therefrom shall be their community property, (c) grants the trustee during their joint lives powers no more extensive than those possessed by a husband under Sections 5125 and 5127, except as to property described in Section 5124 respecting which the trustee's powers shall be no more extensive than those possessed by a wife under Section 5124, and (d) is subject to amendment or alteration during their joint lifetime upon their joint consent, the property so transferred to such trust, and the interests of the spouses in such trust, shall be community property during the continuance of the marriage, unless the trust otherwise expressly provides. Nothing in this section shall be deemed to affect community property which, before or after the effective date of this section, is transferred in a manner other than as described in this section or to a trust containing different provisions than those set forth in this section; nor shall this section be construed to prohibit the trustee from conveying any trust property, real or personal, in accordance with the provisions of the trust without the consent of the husband or wife unless the trust expressly requires the consent of one or both spouses.

SEC. 3. Section 204 of the Probate Code is amended to read:

204. Notwithstanding the provisions of Sections 201, 202, and 203, community property held in a revocable trust described in Section 5113.5 of the Civil Code shall be governed by the provisions, if any, in the trust for disposition in the event of death.

CHAPTER 518

An act to amend Section 7624 of the Labor Code, relating to air pressure tanks.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7624 of the Labor Code is amended to read:

7624. The following tanks are not subject to this part:

(a) Tanks under the jurisdiction or inspection of the United States government.

(b) Air pressure tanks used in household domestic services.

(c) Tanks of $1\frac{1}{2}$ cubic feet or less which are not subject to a pressure of more than 150 pounds per square inch.

(d) Air pressure tanks supplied with air by the same air compressor which supplies air for the brakes of any motor vehicle or streetcar, which units of transportation are operated by any person, firm, or corporation subject to the jurisdiction of the United States Department of Transportation or the California Highway Patrol.

(e) Tanks not subject to an internal or external pressure or more than 15 pounds per square inch, irrespective of size.

CHAPTER 519

An act to amend Sections 795, 1904, and 1904.1 of the Public Utilities Code, relating to regulation of public utilities.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 795 of the Public Utilities Code is amended to read:

795. The commission may, after hearing if requested, require any or all public utilities to carry a proper and adequate depreciation account in the form and in accordance with such rules as the commission prescribes. The commission may, from time to time, ascertain and by order fix the proper and adequate rates of depreciation of the several classes of property of each public utility.

SEC. 2. Section 1904 of the Public Utilities Code is amended to read:

1904. The commission shall also charge and collect the following fees:

(a) Except as otherwise provided in Sections 1010, 1036, 1064 and 1064.1, for filing each application for a certificate of public convenience and necessity, or for the mortgage, lease, transfer, or assignment thereof, seventy-five dollars (\$75).

(b) For a certificate authorizing an issue of bonds, notes, or other evidences of indebtedness, two dollars (\$2) for each one thousand dollars (\$1,000) of the face value of the authorized issue or fraction thereof up to one million dollars (\$1,000,000), one dollar (\$1) for each one thousand dollars (\$1,000) over one million dollars (\$1,000,000) and up to ten million dollars (\$10,000,000), and fifty cents (\$0.50) for each one thousand dollars (\$1,000) over ten million dollars (\$10,000,000), with a minimum fee in any case of fifty dollars (\$50). No fee need be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any stock,

bond, note or other evidence of indebtedness on which a fee has theretofore been paid to the commission. If the commission modified the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee shall be paid, and if such fee is paid prior to the issuance of such certificate by the commission, such fee shall be returned.

SEC. 3. Section 1904.1 of the Public Utilities Code is amended to read:

1904.1. The commission shall also charge and collect a fee for a certificate authorizing an issue of stock, which fee shall be computed at the rates set forth in subdivision (b) of Section 1904 and determined by the commission upon the basis of the proposed maximum proceeds. No fee shall be paid on such portion of any such issue as may be used to guarantee, take over, refund, discharge, or retire any stock, bond, note, or other evidence of indebtedness on which a fee has theretofore been paid to the commission.

If the commission modifies the amount of the issue requested in any case and the applicant thereupon elects not to avail itself of the commission's authorization, no fee shall be paid, and if such fee is paid prior to the issuance of such certificate by the commission, such fee shall be refunded.

CHAPTER 520

An act to add Section 2104.5 to the Public Utilities Code, relating to regulation of public utilities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2104.5 is added to the Public Utilities Code, to read:

2104.5. Any penalty for violation of any provision of this act, or of any rule, regulation, general order, or order of the commission, involving safety standards for pipeline facilities or the transportation of gas in the State of California may be compromised by the commission. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged, the gravity of the violation, and the good faith of the person charged in attempting to achieve compliance, after notification of a violation, shall be considered. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be recovered in a civil action in the name of the People of the State of Califor-

nia in the superior court in and for the county, or city and county in which the cause or some part thereof arose, or in which the corporation complained of has its principal place of business or the person complained of resides. In any such action, all penalties incurred, or amounts agreed upon in compromise for violations committed up to the time of commencing the action may be sued for and recovered. In all such actions, the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state in any such action, together with the costs thereof, shall be paid into the State Treasury to the credit of the General Fund.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The maintenance of California jurisdiction over gas pipeline safety requires that California law in such matters conform to federal law. The federal Secretary of Transportation has taken the position that the California law does not conform with respect to the power to compromise penalties for violations of such safety standards. This act conforms California law to the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. Secs. 1671-1684) and must be effective by August 12, 1970, in order for California to continue its jurisdiction over gas pipeline safety.

CHAPTER 521

An act to amend Section 13581.3 of the Education Code, relating to employees of school districts.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13581.3 of the Education Code is amended to read:

13581.3. Notwithstanding the provisions of Section 13581 or Section 13712, which exempt certain types of positions or categories of personnel from the classified service of a school district, persons serving in exempt positions or who serve in classified positions but are exempted from the classified service shall, nevertheless, be subject to the provisions of Sections 11708, 13585, 13586, 13587 and 13588. The governing board of every school district shall, by rule or regulation, provide for the implementation of this section.

The provisions of this section shall not apply to full-time day students regularly attending in the district of employment.

CHAPTER 522

An act to amend Section 11713 of the Vehicle Code, relating to trailers.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To intentionally publish or circulate any advertising which is misleading or inaccurate in any material particular.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobile home, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no down payment is required in connection with the sale of a vehicle when a down payment is in fact required and the buyer is advised or induced to finance such down payment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, certificate, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, certificate, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, certificate, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

SEC. 2. Section 11713 of the Vehicle Code is amended to read:

11713. It shall be unlawful and a violation of this code for the holder of any license issued under this article:

(a) To make or disseminate or cause to be made or disseminated before the public in this state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, any statement which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading; or to so make or disseminate or cause to be so disseminated any such statement as part of a plan or scheme with the intent not to sell any vehicle or service so advertised at the price stated therein, or as so advertised.

(b) To advertise or offer for sale or exchange in any manner, any vehicle not actually for sale at the premises of such dealer or available to said dealer from the manufacturer or distributor of such vehicle at the time of the advertisement or offer; provided however, that this subdivision does not apply to advertising or offering for sale or exchange any used mobilehome, as defined by Section 18008 of the Health and Safety Code, or used commercial coach, as defined by Section 18012 of the Health and Safety Code, other than a recreational vehicle, as defined by Section 18010.5 of the Health and Safety Code, where such advertising or offering for sale is not contrary to any terms of a contract between the seller of the mobilehome or commercial coach and the owner of the mobilehome park, and which mobilehome or commercial coach is either in place on a lot rented or leased for human habitation within an established mobilehome park, as defined in Section 18214 of the Health and Safety Code, or is otherwise located, pursuant to a local zoning ordinance or permit, on a lot where its presence has been authorized or its continued presence and such use would be authorized, for a total and uninterrupted period of at least one year.

(c) To fail within 48 hours in writing to withdraw any advertisement of a vehicle that has been sold or withdrawn from sale.

(d) To advertise or represent a vehicle as a new vehicle if said vehicle falls within the purview of Section 665 of this code.

(e) To engage in the business for which licensee is licensed without having in force and effect a good and sufficient bond with corporate surety as hereinbefore provided.

(f) For any licensed dealer to engage in the business for which such dealer is licensed without at all times maintaining an established place of business as required by this code.

(g) To include as an added cost to the selling price of a vehicle, an amount for licensing or transfer of title of the vehicle, which amount is not due to the state unless such amount has in fact been paid by the dealer prior to such sale.

(h) To employ any person as a salesman who has not been licensed pursuant to Article 2 (commencing with Section 11800) of this chapter, and whose license is not displayed on the premises of the dealer as provided in Section 11804.

(i) To deliver, following sale, a vehicle for operation on California highways, if such vehicle does not meet all of the equipment requirements of Division 12 of this code.

(j) To use or permit the use of the special plates assigned to him for any purpose other than permitted by Section 11715.

(k) To advertise or otherwise represent, or knowingly to allow to be advertised or represented on his behalf or at his place of business, that no downpayment is required in connection with the sale of a vehicle when a downpayment is in fact required and the buyer is advised or induced to finance

such downpayment by a loan in addition to any other loan financing the remainder of the purchase price of the vehicle.

(l) To participate in the sale of a motor vehicle reported to the Department of Motor Vehicles under the provisions of Section 5900 of this code without making the return and payment of any sales tax due and required by Section 6451 of the Revenue and Taxation Code.

(m) To permit the use of his dealer's license, certificate, supplies, or books by any other person for the purpose of permitting that person to engage in the sale of vehicles required to be registered under this code, or to permit the use of his dealer's license, certificate, supplies, or books to operate a branch location to be used by any other person, if, in either situation, the licensee has no financial or equitable interest or investment in the vehicles sold by, or the business of, or branch location used by, such person, or has no such interest or investment other than commissions, compensations, fees, or any other thing of value received for the use of the dealer's license, certificate, supplies, or books to engage in the sale of vehicles.

(n) To disconnect, turn back, or reset the odometer of any motor vehicle in violation of Section 28050 or 28051.

SEC. 3. It is the intent of the Legislature, if amendments to Section 11713 of the Vehicle Code proposed by both this bill and Senate Bill No. 599 are enacted, that both amendments be given effect and incorporated in Section 11713 in the form set forth in Section 2 of this act. Therefore, in the event Senate Bill No. 599 is enacted and amends Section 11713, Section 2 of this act shall become operative at the same time that Section 11713 as amended by Senate Bill No. 599 becomes operative, and at that time, Section 11713 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 523

An act to amend Section 5101 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Streets and Highways Code is amended to read:

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, easements, or rights-of-way, or tidelands, or submerged lands owned by any city, or tidelands or submerged lands leased by the state to any city for the construction of improvements au-

thorized by subdivision (g), open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following :

(a) The grading or regrading, the paving or repaving, the plankng or replanking, the macadamizing or remacadamizing, the graveling or regaveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads, groins, and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water, or to prevent beach erosion or to promote accretion to beaches.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) The construction or maintenance of bomb shelters or fallout shelters which are primarily designed to protect and shelter the population from conventional or nuclear bomb or missile warhead explosions, shellfire, radiation, and fallout in the event of an enemy attack.

(k) Retaining walls, embankments, buildings and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.

(l) The planting of trees, shrubs or other ornamental vegetation.

(m) The construction, repairing, or improving of public mooring places for watercraft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(n) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.

(o) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways, property, easements, or rights-of-way owned by such city.

(p) All other work auxiliary to any of the above, which may be required to carry out the same.

CHAPTER 524

An act to amend Sections 2732.05 and 7145 of the Business and Professions Code, relating to evidence of authority to engage in a business or profession.

[Approved by Governor July 28, 1970 Filed with
Secretary of State July 28, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2732.05 of the Business and Professions Code is amended to read:

2732.05. Every employer of a registered nurse, and every person acting as an agent for such a nurse in obtaining employment, shall ascertain that such nurse is currently authorized to practice as a registered professional nurse within the provisions of this chapter. As used in this section, the term "agent" includes, but is not limited to, a nurses registry.

Examination by an employer or agent of evidence satisfactory to the board showing the nurse's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse to provide nursing care to a single patient.

SEC. 2. Section 7145 of the Business and Professions Code is amended to read:

7145. The registrar may refuse to renew the license of a licensee, otherwise entitled to the renewal of his license, for the failure or refusal on the part of such licensee to complete the renewal application form prescribed by the board, or to otherwise comply with rules and regulations adopted by the board relative to the issuance of renewal licenses, and which are not inconsistent with the provisions of this chapter.

CHAPTER 525

An act to amend Sections 13707, 13707.1, 13707.2, and 13707.3 of the Education Code, relating to personnel commissions.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13707 of the Education Code is amended to read:

(a) One member of the commission shall be appointed by the governing board of the district. One member shall be appointed by the Executive Officer of the State Personnel Board. One member shall be appointed by the governing board of the district upon the recommendation of the classified employees of the district.

As used in this subsection, "classified employees" shall mean an organization of classified employees which represents the greatest number of classified employees of the district as determined by the board exercising its authority under Section 13087 of this code. If there is no such organization existing within the district the governing board shall, by written rule, prescribe the method by which the recommendation is to be made by its classified employees.

(b) The governing board shall recommend the appointee to the Executive Officer of the State Personnel Board as provided for in Section 13707.1. The executive officer may accept the recommendation and effect the appointment or he may reject the recommendation. If the recommendation is rejected, the executive officer shall notify the governing board and direct it to submit a new recommendation within 30 days of receipt of the notification of rejection.

SEC. 2. Section 13707.1 of the Education Code is amended to read:

13707.1. (a) Within 30 days after adoption of the system the governing board shall publicly announce its intended appointee, the appointee recommended by its classified employees, and the person it intends recommending to the Executive Officer of the State Personnel Board for appointment.

“Adoption of the system” means, in the case of Section 13596, the day on which a successful election is certified to the governing board or, in the case of Section 13596.3, the day the governing board approves a motion, order, or resolution to adopt the system regardless of the date specified for operational commencement of the system.

(b) Where a system is already in existence and a vacancy will exist on December 1, the governing board shall, not later than September 30, publicly announce the name of the person it intends to appoint or reappoint, if the vacancy is its appointee, or who is recommended for appointment by classified employees, or who it intends recommending to the Executive Officer of the State Personnel Board.

(c) At a board meeting to be held after 30 and within 45 days of the dates specified in subsections (a) and (b), as the case may be, the governing board in open hearing shall provide the public and employees and employee organizations the opportunity to express their views on the qualifications of those persons recommended for appointment.

The board at that time may make its appointments and its recommendation to the Executive Officer of the State Personnel Board or may make a substitute appointment or recommendation without further notification or public hearing. In the case of the classified employees recommendation it may refuse to appoint the person recommended and require the submission of a new recommendation in accordance with the procedures required herein. If the initial person recommended is refused appointment, the board shall appoint the next qualified person recommended by the classified employees for appointment.

(d) In the event a vacancy exists because of a failure to agree on an appointee by the governing board and classified employees, the board may make an emergency appointment as authorized in subdivision (b) of Section 13707.3. If there is no personnel director, the board may nevertheless make an emergency interim appointment under this subdivision.

Sec 3. Section 13707.2 of the Education Code is amended to read:

13707.2. An appointee to a commission in a district which has newly adopted the system shall take office upon receipt of notification of his appointment but his term of office shall run from noon of the first day of December next succeeding.

The initial appointee of the governing board shall serve a three-year term, and the term of the appointee recommended by classified employees and the Executive Officer of the State Personnel Board shall be for two years and one year respectively.

Subsequent terms shall be for three years commencing at noon the first day of December.

The commission may perform any act authorized or required by law when two members have been appointed.

SEC. 4. Section 13707.3 of the Education Code is amended to read:

13707.3. (a) Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term. The procedures required in Sections 13707 and 13707.1 shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments.

(b) Notwithstanding subsection (a) the governing board at the request of the personnel director shall declare that an emergency exists and shall make an interim appointment to fill a vacancy or vacancies to insure the continuance of the functions of the personnel commission. An interim appointment shall terminate on the date the notification of permanent appointment is received by the appointee.

(c) An interim appointee must meet the requirements of Section 13706 and be free of the restrictions contained therein.

(d) An interim appointment in no event shall be valid for more than 60 days.

CHAPTER 526

An act to add Section 904.5 to the Penal Code, relating to grand juries.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 904.5 is added to the Penal Code, to read:

904.5. In counties having a population exceeding 4,000,000, the presiding judge of the superior court, upon application by either the Attorney General or district attorney setting forth the need for one additional grand jury and after a finding by such court that the existing grand jury is unable for any reason to inquire into matters which are subject to grand jury inquiry, except public offenses, may order and direct the drawing and impanelment at any time of one additional grand jury to inquire into matters subject to grand jury inquiry, except public offenses. Any such additional grand jury may serve for a period of one year from the date of impanelment, but may be discharged at any time within such period by order of the superior court. In no event shall more than two grand juries be impaneled in any one year.

CHAPTER 527

An act to amend Section 3214 of the Fish and Game Code, relating to domesticated game mammals.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3214 of the Fish and Game Code is amended to read:

3214. Domesticated game breeders or other persons holding domesticated game mammals in captivity shall confine the mammals in escape-proof cages or enclosures. In the event any of the mammals escape from the cages or enclosures, the owner shall immediately make every reasonable effort to recapture them. If the owner fails to recapture the escaped mammals, the department may capture the mammals or remove them from the wild by whatever means may be necessary if, in the opinion of the department, the mammals may conflict with native species of birds or mammals or cause damage to public or private property. The owner shall reimburse the department for all costs incurred in capturing or removing the mammals from the wild. The owner of the mammals shall be responsible for any damage they may cause to public or private property.

Any domesticated big game mammal may be marked with ear tags or other suitable markings or tags, as may be specified by the commission, which shall identify the owner of the mammals.

CHAPTER 528*An act to amend Section 13821 of the Health and Safety Code, relating to fire protection districts.*

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13821 of the Health and Safety Code is amended to read:

13821. Any incorporated or unincorporated territory, or any combination thereof, which does not include any timbered, brush, or grass-covered lands declared to be the responsibility of the state for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code, except as provided in this section, may be organized as a district pursuant to this part.

Upon the adoption of a resolution or upon receipt of a petition for the formation of or the annexation to a district, if the proposed formation or annexation contains an area declared by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code to be the fire protection responsibility of the state, the board of supervisors, in the case of formation, or the district board, in the case of annexation, shall file with the State Forester a notice of such proposal including a map and legal land subdivision description of the proposed district or annexation. Upon formation of or annexation to a district, including such lands, the fire protection responsibility for timbered, brush and grass lands shall remain that of the state. The district shall have the fire protection responsibility for structures in the area. Commercial forest lands which are timbered lands declared to be the responsibility of the state for fire protection by Article 1 (commencing with Section 4000), Chapter 1, Division 4 of the Public Resources Code shall not, however, be included within a district, except in counties of the 21st class, as specified by Section 28042 of the Government Code.

This section shall apply to districts hereafter formed and to annexations to existing districts.

CHAPTER 529

An act to amend Sections 14905 and 15071 of the Agricultural Code, relating to commercial feeds.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14905 of the Agricultural Code is amended to read:

14905. "Special mix" means any commercial feed which is manufactured, processed, or mixed pursuant to specifications which are agreed upon by the purchaser and the manufacturer.

SEC. 2. Section 15071 of the Agricultural Code is amended to read:

15071. Any person that manufactures, processes, or mixes any special mix for another person, shall furnish to the person for whom such special mix is manufactured, processed, or mixed, a numbered invoice which has written or printed on it, or attached to it, the date of sale and either upon request of the purchaser or at intervals specified in regulations by the director, or both, the name and the number of pounds of each ingredient which is in the special mix and any other information the director may require by regulation.

CHAPTER 530

An act to amend Sections 509, 509.5, and 1760.7 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 509 of the Welfare and Institutions Code is amended to read:

509. The judge of the juvenile court of a county, or, if there is more than one such judge, the presiding judge of the juvenile court shall, at least annually, inspect any jail, juvenile hall, or lockup which, in the preceding calendar year was used for confinement for more than 24 hours of any minor known to be under the age of 18 years. The judge shall note in the minutes of the court whether the jail, juvenile hall, or lockup is a suitable place for confinement of minors under the age of 18 years.

The Department of the Youth Authority shall likewise conduct an annual inspection of each jail, juvenile hall, or lockup situated in this state which, during the preceding calendar year, was used for confinement for more than 24 hours of any minor known to be under the age of 18 years.

If either the judge of the juvenile court or the department, after inspection of a jail, juvenile hall, or lockup, finds that it is not being operated and maintained as a suitable place for confinement of minors under the age of 18 years, the juvenile court or the department shall give notice of its finding to all persons having authority to confine such minors pursuant to this chapter and commencing 60 days thereafter such jail, juvenile hall, or lockup shall not be used for confinement of such minors until such time as the judge or department, as the case may be, finds, after reinspection of the jail, juvenile hall, or lockup, that the conditions which rendered the facility unsuitable have been remedied, and such facility is a suitable place for confinement of such minors.

The custodian of each jail, juvenile hall, and lockup shall make such reports as may be required by the department or the juvenile court to effectuate the purposes of this section.

SEC. 2. Section 509.5 of the Welfare and Institutions Code is amended to read:

509.5. The Youth Authority shall adopt minimum standards for the operation and maintenance of juvenile halls for the confinement of minors.

Any violation of such standards shall render a juvenile hall unsuitable for the confinement of minors for purposes of Section 509.

SEC. 3. Section 1760.7 of the Welfare and Institutions Code is amended to read:

1760.7. The director shall investigate, examine, and make reports upon adult and juvenile probation.

The director may establish standards for the performance of probation duties, and upon request consult with and make investigations and recommendations to probation officers, probation committees, juvenile justice commissions, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county.

The director may also, upon request, consult with, make investigations for, and recommendations to probation officers, probation committees, juvenile justice commissions, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county, to aid them in the operation and maintenance of their juvenile halls.

CHAPTER 531

An act to amend Sections 441, 442, 445, 456 and 459.5 of, and to repeal Sections 444, 449 and 455 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 441 of the Revenue and Taxation Code is amended to read:

441. Every person owning taxable personal property having an aggregate cost of thirty thousand dollars (\$30,000) or more shall file a signed property statement with the assessor. Every person owning personal property which does not require the filing of a property statement or real property shall upon request of the assessor file a signed property statement. Failure of the assessor to request or secure the property statement does not render any assessment invalid.

(a) The property statement shall be declared to be true under the penalty of perjury and filed with the assessor between the lien date and 5 p.m. on the last Monday in May, annually, or between the lien date and such earlier time as the assessor may appoint.

(b) If the assessor appoints a time other than the last Monday in May, it shall be no earlier than April 1. In this event the penalty provided by Section 463 shall apply if the property statement is not filed with the assessor by 5 o'clock p.m. on the last Monday in May or if:

(1) The property statement is not filed within the time appointed by the assessor; and

(2) The assessor has given notice by certified or registered mail no earlier than 15 days after the time appointed by the assessor of nonreceipt of the property statement within the appointed time; and

(3) The property statement has not been filed with the assessor within 15 days following the date of receipt of such notice.

(c) The property statement may be filed with the assessor through the United States mail, properly addressed with postage prepaid. This subdivision shall be applicable to every taxing agency, including but not limited to, a chartered city and county, or chartered city.

(d) At any time, as required by the assessor for assessment purposes, every person shall make available for examination information or records regarding his property. In this connection details of property acquisition transactions, construction and development costs, rental income, and other data relevant to the determination of an estimate of value are to be considered as information essential to the proper discharge of the assessor's duties.

(e) In the case of a corporate owner of property, the property statement shall be signed either by an officer of the corporation or an employee or agent who has been designated in writing by the board of directors to sign such statements on behalf of the corporation.

(f) The assessor may refuse to accept any property statement he determines to be in error.

SEC. 2. Section 442 of the Revenue and Taxation Code is amended to read:

442. The property statement shall show all taxable property owned, claimed, possessed, controlled, or managed by the person filing it and required to be reported thereon.

Every person owning, claiming, possessing, controlling or managing property shall furnish any required information or records to the assessor for examination at any time.

SEC. 3. Section 444 of the Revenue and Taxation Code is repealed.

SEC. 4. Section 445 of the Revenue and Taxation Code is amended to read:

445. The property statement shall show a description of property, in the detail required. Such required detail may include the cost of the property if the information is within the knowledge of the assessee or is available to him from his own or other records.

SEC. 5. Section 449 of the Revenue and Taxation Code is repealed.

SEC. 6. Section 455 of the Revenue and Taxation Code is repealed.

SEC. 7. Section 456 of the Revenue and Taxation Code is amended to read:

456. If the assessor has not received from the owner of a tract of land a legal description or a description which geographically locates the property, he may demand such a description from the owner or his agent, or, in case they cannot be found or are unknown, the person in possession.

SEC. 8. Section 459.5 of the Revenue and Taxation Code is amended to read:

459.5. Sections 457, 458, and 459 are applicable when the owner, his agent, or person in possession neglects to furnish the assessor of any taxing agency, including a taxing agency having its own system for the levying and collection of taxes or assessments, with a requested description of any tract of land.

CHAPTER 532

An act to amend Section 218 of the Revenue and Taxation Code, relating to tax exemption.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 218 of the Revenue and Taxation Code is amended to read:

218. The homeowner's property tax exemption is the amount of the assessed value of the dwelling as specified in Section 1d of Article XIII of the Constitution. The exemption does not extend to property which is rented, vacant, under construction on the lien date, or which is a vacation or secondary home of the owner or owners, nor does it apply to property on which an owner receives the veteran's exemption, or to property for which an owner received an allowance for taxes, either in whole or in part, either directly or indirectly, for the property tax year from the state or any political subdivision thereof, except assistance received under the Senior Citizens Property Tax Assistance Law provided for in Part 10.5 (commencing with Section 19501) of Division 2 of this code. "Owner" includes a person purchasing the dwelling under a contract of sale. As used in this section, "dwelling" shall include:

(a) A single-family dwelling occupied by an owner thereof as his principal place of residence on the lien date.

(b) A multiple-dwelling unit occupied by an owner thereof on the lien date as his principal place of residence. As used in this subdivision, "multiple-dwelling unit" does not include any unit containing more than two separate dwelling units.

(c) A condominium occupied by an owner thereof as his principal place of residence on the lien date.

"Dwelling" means a building, structure or other shelter constituting a place of abode, whether real property or personal property, and any land on which it may be situated. For purposes of this section a two-dwelling unit shall be considered as two separate single-family dwellings.

The exemption provided for in Section 1d of Article XIII of the Constitution shall first be applied to the building, structure or other shelter and the excess, if any, shall be applied to any land on which it may be located.

CHAPTER 533

An act to add Section 70054.4 to the Government Code, relating to court reporters, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 70054.4 is added to the Government Code, to read:

70054.4. Notwithstanding the provisions of Sections 70053 and 70054, in a county with a population of over 82,030 and under 84,200 as determined by the 1960 federal census:

(a) In order to help defray the costs of reporting services, in addition to any fees otherwise required by law, a fee of ten dollars (\$10) shall be paid to the county clerk by each party, or jointly by parties appearing jointly, in each of the following instances:

(1) Where Section 26821 requires such party or parties to pay the county clerk a fee for the filing of the first paper in a civil action or in a special proceeding, except in an appeal from an inferior court.

(2) Where Sections 26822 to 26825, inclusive, require such party or parties to pay the county clerk a fee for filing papers transmitted from another court on the transfer of a civil action or special proceeding from another court, except in an appeal from an inferior court.

(3) Where Section 26826 requires the party or parties to pay the clerk a fee on the appearance in a civil action or special proceeding of a defendant, intervenor, respondent, co-respondent, or adverse party, except in an appeal from an inferior court.

(4) Where Section 26827 requires such party or parties to pay the county clerk a fee for the filing of a petition or other paper in a probate, guardianship, conservatorship, or other proceeding specified in that section.

(b) All fees paid under this section shall be taxed as costs.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Full-time court reporters are urgently needed by the Superior Court of the County of Butte. Such need has contributed to a serious problem of delay in the ability of the court to fulfill its duties and a large backlog of pending cases. It is necessary to help defray the costs of full-time reporters in order to alleviate these problems in such county as quickly as possible.

CHAPTER 534

An act to amend Section 25175 of, and to repeal Section 24050 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24050 of the Business and Professions Code is repealed.

SEC. 2. Section 25175 of the Business and Professions Code is amended to read:

25175. Any person who sells at retail any potable spirituous liquor product labeled as whiskey, including blended whiskey and blends of straight whiskeys, except products containing 20 or more percent of straight whiskey or whiskeys which have been aged in charred oak containers for four or more years after distillation and before bottling is guilty of a misdemeanor, except that this section does not prohibit the sale at retail of unaged corn whiskey, when so labeled, or the sale at retail of gins, brandies, rums, cordials, liqueurs, bitters, or other distilled liquor products, or products compounded of distilled spirits and other materials, when in no wise labeled as whiskey or blended whiskey or blends of straight whiskeys, or the sale at retail of Scotch whiskeys, or spirit whiskeys containing not less than 5 percent straight whiskey, four years old or older.

CHAPTER 535

An act to add Section 29601.5 to the Government Code, relating to county expenses.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29601.5 is added to the Government Code, to read:

29601.5. Expenses incurred by a county in returning a fugitive or escaped prisoner to another county for trial or detention in a county facility shall be paid by the county of trial or detention to the county which incurred the expenses of returning the fugitive.

CHAPTER 536

An act to amend Section 5450 of the Streets and Highways Code, relating to collection of local assessments.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5450 of the Streets and Highways Code is amended to read:

5450. As an alternative method for the collection of cash assessments or assessments of less than fifty dollars (\$50) levied under the provisions of this division, the legislative body, upon the written request of the contractor or his assigns, shall, by resolution adopted on or before the third Tuesday in September, direct that such assessments be collected upon the tax roll upon which general taxes are collected.

CHAPTER 537

An act to amend Section 10402.5 of the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10402.5 of the Streets and Highways Code is amended to read:

10402.5. Upon the passage of the resolution provided for in Section 10312, the city clerk shall record a notice of assessment, as provided for in Section 3114, whereupon the said assessment shall attach as a lien upon the property assessed, as provided in Section 3115.

CHAPTER 538

An act to amend Section 5101 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5101 of the Streets and Highways Code is amended to read:

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the

whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, easements, or rights-of-way, or tidelands, or submerged lands owned by any city, or tidelands or submerged lands leased by the state to any city for the construction of improvements authorized by subdivision (g), open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regaveling, the oiling or reoilng thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, recreation areas, including all structures, buildings, and other facilities necessary to make parks and parkways and recreation areas useful for the purposes for which intended, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads, groins, and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water, or to prevent beach erosion or to promote accretion to beaches.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) The construction or maintenance of bomb shelters or fallout shelters which are primarily designed to protect and shelter the population from conventional or nuclear bomb or missile warhead explosions, shellfire, radiation, and fallout in the event of an enemy attack.

(k) Retaining walls, embankments, buildings and any other structures or facilities necessary or suitable in connection with any of the work mentioned in this section.

(l) The planting of trees, shrubs or other ornamental vegetation.

(m) The construction, repairing, or improving of public mooring places for watercraft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(n) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.

(o) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways, property, easements or rights-of-way owned by such city.

(p) All other work auxiliary to any of the above, which may be required to carry out the same.

CHAPTER 539

An act to amend Section 1203.4 of the Penal Code, relating to probation.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.4 of the Penal Code is amended to read:

1203.4. (a) Every defendant who has fulfilled the conditions of his probation for the entire period thereof or has been discharged from probation prior to the termination of the period thereof shall, at any time thereafter, if he is not then serving a sentence for any offense, on probation for any offense, or charged with the commission of any offense, be permitted by the court to withdraw his plea of guilty or plea of nolo contendere and enter a plea of not guilty; or, if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and, in either case, the court shall

thereupon dismiss the accusations or information against the defendant and he shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The probationer shall be informed of this right and privilege in his probation papers. The probationer may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that, in any subsequent prosecution of the defendant for any other offense, the prior conviction may be pleaded and proved and shall have the same effect as if probation had not been granted or the accusation or information dismissed.

Dismissal of an accusation or information pursuant to this section does not permit a person to own, possess, or have in his custody or control any firearm capable of being concealed upon the person or prevent his conviction under Section 12021.

This subdivision shall apply to all applications for relief under this section which are filed on or after the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature.

(b) Subdivision (a) of this section does not apply to any misdemeanor which is within the provisions of subdivision (b) of Section 42001 of the Vehicle Code, or to any infraction.

CHAPTER 540

An act to amend Sections 533 and 5097 of the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 533 of the Revenue and Taxation Code is amended to read:

533. Assessments made pursuant to Article 3 (commencing with Section 501) of this chapter or pursuant to this article shall be entered on the roll prepared or being prepared in the assessment year when it is so discovered and, if this is not the roll for the assessment year in which it escaped assessment, the entry shall be followed with "Escaped assessment for year 19__ pursuant to Sections _____ of the Revenue and Taxation Code."

If the assessments are made as a result of an audit which discloses that property assessed to the party audited has been erroneously or illegally assessed either for a past tax year for which taxes have been paid and a claim for refund is not barred by Section 5097 or for any tax year for which the taxes are unpaid, the assessed values erroneously or illegally assessed shall be an offset only against the proposed escape assessment for the same tax year. If such values exceed the

proposed escape assessment for this year, the assessor shall notify the party audited of the amount of the excess and the fact that a claim for cancellation or refund may be filed with the county as provided by Sections 4986 or 5096.

SEC. 2. Section 5097 of the Revenue and Taxation Code is amended to read:

5097. No order for a refund under this article shall be made except on a claim:

(a) Verified by the person who paid the tax, his guardian, executor, or administrator.

(b) Filed within four years after making of the payment sought to be refunded or within one year after the mailing of notice as prescribed in Section 2635, whichever is later.

An application for a reduction in an assesment filed pursuant to Section 1607 or Section 1760 shall also constitute a sufficient claim for refund under this section if the applicant states in the application that the application is intended to constitute a claim for refund. If the applicant does not so state, he may thereafter and within the period provided in subdivision (b) file a separate claim for refund of taxes extended on the assessment which applicant applied to have reduced pursuant to Section 1607 or Section 1760.

CHAPTER 541

An act to amend Section 1816.1 of the Revenue and Taxation Code, relating to appraisals.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1816.1 of the Revenue and Taxation Code is amended to read:

1816.1. Within 20 days after the date notice is delivered or mailed to the assessor pursuant to Section 1816, he may examine and discuss the appraisals referred to therein with the board's appraisers. A written report on each appraisal discussed with the board's appraisers shall be mailed or delivered to the assessor. The report shall specify any adjustment to or modification of the appraisal resulting from the discussion. Within 10 days after mailing or delivery of the report the assessor may file with the board an application requesting an investigation, review and adjustment of any appraisal examined and discussed with the board's appraisers. The application shall identify each appraisal to which the assessor takes exception and shall set forth the adjustment requested and the grounds therefor. The owner of the property shall be notified by the assessor of the filing of the application.

CHAPTER 542

An act to amend Section 3542 of, and to add Section 1066.2 to, the Public Utilities Code, relating to highway carriers.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1066.2 is added to the Public Utilities Code, to read:

1066.2. Nothing in this code shall be construed to prohibit a highway common carrier from entering into a written contract for the transportation of property, for one person or corporation, by the exclusive use of a vehicle or combination of vehicles pursuant to applicable monthly or yearly vehicle unit rates, rules, and regulations specified in its tariff, notwithstanding that the service to be performed under such written contract includes operations as a highway permit carrier beyond or outside the scope of its authority as a highway common carrier.

SEC. 2. Section 3542 of the Public Utilities Code is amended to read:

3542. No person or corporation shall engage or be permitted by the commission to engage in the transportation of property on any public highway, both as a highway common carrier and as a highway contract carrier or as a highway common carrier and a petroleum contract carrier of the same commodities between the same points, except as provided in Section 1066.2.

SEC. 3. This act shall become operative on January 1, 1971.

CHAPTER 543

An act to amend Section 8828 of the Health and Safety Code, relating to cemeteries.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8828 of the Health and Safety Code is amended to read:

8828. After the work which the governing body, in its discretion, finds necessary and practicable has been completed, the governing body shall immediately thereafter, by resolution, which shall contain a legal description of the cemetery, dedicate such abandoned cemetery as a pioneer memorial park and may cause to be erected a suitable central memorial honoring those who have been interred in the cemetery.

Upon recordation of the resolution with the county recorder of the county in which the cemetery is located, fee title to the cemetery shall vest in the city or county as the case may be. The governing body may bring an action to quiet title to the cemetery, and in the absence of fraud the resolution and the fact of recordation shall be conclusive evidence of fee title to the cemetery.

Any county or city acquiring fee title to a cemetery under this section shall only use the property for the purpose of establishing and maintaining a pioneer memorial park.

CHAPTER 544

An act to add Section 700.025 to the Insurance Code, relating to insurance.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 700.025 is added to the Insurance Code, to read:

700.025. An insurer, including a reciprocal or interinsurance exchange, admitted on January 1, 1970, to transact automobile liability insurance under class 8 and automobile insurance under class 16, or which had a valid bona fide application to transact both such classes of insurance pending before the commissioner on or before August 1, 1970, shall not be affected by this section.

Any other insurer, including a reciprocal or interinsurance exchange, applying to transact either of such class of insurance in this state, shall possess, at the time of admission for either of such classes, in addition to all minimum paid-in capital required by Section 700.01 and all surplus and paid-in capital required by Sections 700.02 and 700.05, an additional surplus of two hundred thousand dollars (\$200,000).

CHAPTER 545

An act to amend Section 23130 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23130 of the Vehicle Code is amended to read:

23130. (a) No person shall operate either a motor vehicle or combination of vehicles of a type subject to registration at

any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limit for the category of motor vehicle based on a distance of 50 feet from the center of the lane of travel within the speed limits specified in this section:

	Speed limit of 35 mph or less	Speed limit of more than 35 mph
(1) Any motor vehicle with a manufacturer's gross vehicle weight rating of 6,000 pounds or more and any combination of vehicles towed by such motor vehicle:		
(A) Before January 1, 1973-----	88 dbA	90 dbA
(B) On and after January 1, 1973	86 dbA	90 dbA
(2) Any motorcycle other than a motor-driven cycle -----	82 dbA	86 dbA
(3) Any other motor vehicle and any combination of vehicles towed by such motor vehicle -----	76 dbA	82 dbA

(b) The department shall adopt regulations establishing the test procedures and instrumentation to be utilized.

(c) This section applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this code relating to motor vehicle exhaust noise.

(d) For the purpose of this section, a motortruck, truck tractor, or bus that is not equipped with an identification plate or marking bearing the manufacturer's name and manufacturer's gross vehicle weight rating shall be considered as having a manufacturer's gross vehicle weight rating of 6,000 pounds or more if the unladen weight is more than 5,000 pounds.

(e) No person shall have a cause of action relating to the provisions of this section against a manufacturer of a vehicle or a component part thereof on a theory based upon breach of express or implied warranty unless it is alleged and proved that such manufacturer did not comply with noise limit standards of the Vehicle Code applicable to manufacturers and in effect at the time such vehicle or component part was first sold for purposes other than resale.

CHAPTER 546

An act to amend Sections 1802.2, 1802.5, 1802.6, 1802.7, 1802.9, 1802.10, 1802.11, 1802.12, 1802.14, 1803.2, 1803.3, 1803.7, 1805.1, 1805.3, 1805.4, 1805.5, 1806.3, 1807.2, 1807.3, 1808.1, 1808.2, 1808.3, 1808.4, 1808.5, 1810.1, 1810.2, 1810.3, 1810.4, 1812.7, 1812.9, to amend the heading of Article 5 (commenc-

ing with Section 1805.1) of Chapter 1, Title 2, Part 4 of Division 3 of, to add Sections 1801.5, 1802.17, and 1802.18 to, and to repeal Section 1802.17 of, the Civil Code, relating to credit sales.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1801.5 is added to the Civil Code, to read:

1801.5. Notwithstanding any other provision of this chapter to the contrary, any information required to be disclosed in a retail installment contract or other document under this chapter may be set forth in terminology required or permitted under Regulation Z, as in effect at the time such disclosure is made. Nothing contained in this chapter shall be deemed to prohibit the disclosure in such contract or other document of additional information required or permitted under Regulation Z, as in effect at the time such disclosure is made.

SEC. 2. Section 1802.2 of the Civil Code is amended to read:

1802.2. "Services" means work, labor and services, for other than a commercial or business use, including services furnished in connection with the sale or repair of goods as defined in Section 1802.1 or furnished in connection with the repair of motor vehicles or in connection with the improvement of real property or the providing of insurance, but does not include the services of physicians or dentists, nor services for which the tariffs, rates, charges, costs or expenses, including in each instance the deferred payment price, are required by law to be filed with and approved by the federal government or any official, department, division, commission or agency of the United States.

SEC. 3. Section 1802.5 of the Civil Code is amended to read:

1802.5. "Retail installment sale" or "sale" means the sale of goods or the furnishing of services by a retail seller to a retail buyer for a deferred payment price payable in installments.

SEC. 4. Section 1802.6 of the Civil Code is amended to read:

1802.6. "Retail installment contract" or "contract" means any contract for a retail installment sale between a buyer and seller, entered into or performed in this state, which provides for (a) repayment in installments, whether or not such contract contains a title retention provision, and in which a finance charge is computed upon and added to the unpaid balance at the time of sale or where no finance charge is added but the goods or services are available at a lesser price if paid by cash or where the buyer, if he had paid cash, would have received any additional goods or services or any higher quality

goods or services at no added cost over the total amount he pays in installments, or (b) which provides for payment in four or more installments. When taken or given in connection with a retail installment sale, the term includes but is not limited to a security agreement and a contract for the bailment or leasing of goods by which the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of their value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the goods upon full compliance with the terms of the contract.

SEC. 5. Section 1802.7 of the Civil Code is amended to read:

1802.7. "Retail installment account" or "installment account" or "revolving account" means an account established by an agreement entered into in this state, pursuant to which the buyer promises to pay, in installments, to a retail seller, his outstanding balance incurred in retail installment sales, whether or not a security interest in the goods sold is retained by the seller, and which provides for a finance charge which is expressed as a percent of the periodic balances to accrue thereafter providing such charge is not capitalized or stated as a dollar amount in such agreement.

SEC. 6. Section 1802.9 of the Civil Code is amended to read:

1802.9. "Deferred payment price" means the total of the cash price of the goods or services and the amounts, if any, included for insurance, official fees and finance charge.

SEC. 7. Section 1802.10 of the Civil Code is amended to read:

1802.10. "Finance charge" means the amount however denominated or expressed which the retail buyer contracts to pay or pays for the privilege of purchasing goods or services to be paid for by the buyer in installments; it does not include the amounts, if any, charged for insurance premiums, delinquency charges, attorney's fees, court costs, collection expenses or official fees.

SEC. 8. Section 1802.11 of the Civil Code is amended to read:

1802.11. "Amount financed" or "unpaid balance" means the cash price of the goods or services which are the subject matter of the retail installment sale, plus the amounts, if any, included in a retail installment sale for insurance and official fees, minus the amount of the buyer's downpayment in money or goods. Either term may be used in lieu of the other in complying with this chapter.

SEC. 9. Section 1802.12 of the Civil Code is amended to read:

1802.12. The "total of payments" or "time balance" means the total of the unpaid balance and the amount of the finance charge, if any, payable by the buyer. Either term may be used in lieu of the other in complying with this chapter.

SEC. 10. Section 1802.14 of the Civil Code is amended to read:

1802.14. "Official fees" means the fees required by law and actually to be paid to the appropriate public officer to perfect a lien or other security interest, on or in goods, retained or taken by a seller under a retail installment contract or installment account, and license, certificate of title, and registration fees imposed by law.

SEC. 11. Section 1802.17 of the Civil Code is repealed.

SEC. 12. Section 1802.17 is added to the Civil Code, to read:

1802.17. "Billing cycle" means the time interval between regular monthly billing statement dates.

SEC. 13. Section 1802.18 is added to the Civil Code, to read:

1802.18. "Regulation Z" means Regulation Z promulgated by the Board of Governors of the Federal Reserve System under the Federal Consumer Credit Protection Act (15 U.S.C. 1601, et seq.), and compliance with the interpretations of that board shall be deemed to be full compliance with Regulation Z with respect to the subject matter of such interpretations.

SEC. 14. Section 1803.2 of the Civil Code is amended to read:

1803.2. Except as provided in Section 1808.3, every retail installment contract shall be contained in a single document which shall contain:

(a) The entire agreement of the parties with respect to the cost and terms of payment for the goods and services, including any promissory notes or any other evidences of indebtedness between the parties relating to the transaction.

(b) Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Security Agreement" or "Lien Contract," as the case may be, shall appear in at least 10-point bold type where a security interest in the goods is retained or a lien on other goods or realty is obtained by the seller as security for the goods or services purchased. Either at the top of the contract or directly above the space reserved for the signature of the buyer, the words "Retail Installment Contract" shall appear in at least 10-point bold type where a security interest or lien is not obtained by the seller as security for the goods or services purchased. As used in this subdivision, the terms "security interest" and "lien" refer to a contractual interest in property and not to a mechanic's lien or other interest in property arising by operation of law.

(c) A notice in at least eight-point bold type reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank space. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance

the full amount due and to obtain a partial refund of the finance charge, if any, provided for herein.”

SEC. 15. Section 1803.3 of the Civil Code is amended to read:

1803.3. Except as provided in Article 8 (commencing with Section 1808.1) of this chapter, a contract shall contain the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods or services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail sufficient to identify them in a separate writing.

(b) The cash price of the goods, services and accessories which are the subject matter of the retail installment sale.

(c) The amount of the buyer's downpayment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c), which is the unpaid balance of cash price.

(e) The amount, if any, included for insurance, specifying the coverages.

(f) The amount, if any, of official fees.

(g) The amount financed, which is the sum of items (d), (e), and (f).

(h) The amount of the finance charge, if any.

(i) The total of payments, which is the sum of items (g) and (h), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(j) The deferred payment price, which is the sum of the amounts determined in (b), (e), (f) and (h).

(k) Any "balloon payments," as described in Section 1807.3.

(l) An identification of the method of computing the unearned portion of the finance charge in the event of prepayment of the buyer's obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the buyer. Reference to the Rule of 78's, the sum of digits or the actuarial method shall constitute a sufficient identification of the method of computing the unearned portion of the finance charge.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

SEC. 16. Section 1803.7 of the Civil Code is amended to read:

1803.7. The seller shall deliver to the buyer at the time of the buyer's signature a legible copy of the contract or of any

other document which the seller has required or requested the buyer to sign, and which he has signed, during the contract negotiation. In addition to the penalties provided under Article 12.2 (commencing with Section 1812.6) of this chapter, until the seller delivers such documents, the buyer shall be obligated to pay only the cash price. Any acknowledgment by the buyer of delivery of a copy of such documents shall be printed or written in a size equal to at least 10-point bold type and, if contained in the contract shall also appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment, conforming to the requirements of this section of delivery of a copy of such documents shall be a rebuttable presumption of such delivery and of compliance with this section and Section 1803.4, in any action or proceeding by or against an assignee of the contract without knowledge to the contrary when he purchases the contract. If the holder furnishes the buyer a copy of such documents, or a notice containing the items required by Section 1803.3 and stating that the buyer should notify the holder in writing within 30 days if he was not furnished a copy of the contract or of any other document which the seller had required or requested the buyer to sign, and which he did sign, during the contract negotiation, and no such notification is given, it shall be conclusively presumed in favor of the third party that copies of such documents were furnished as required by Sections 1803.4 and 1803.7.

SEC. 17. The heading of Article 5 (commencing with Section 1805.1) of Chapter 1 of Title 2 of Part 4 of Division 3 of the Civil Code is amended to read:

Article 5. Finance Charge Limitation

SEC. 18. Section 1805.1 of the Civil Code is amended to read:

1805.1. A seller may, in a retail installment contract, contract for and, if so contracted for, the holder thereof may charge, receive and collect a finance charge which shall not exceed the following rates multiplied by the number of months, including any fraction in excess of more than 15 days as one month, elapsing between the date of such contract and the due date of the last installment:

(a) On so much of the amount financed as does not exceed one thousand dollars (\$1,000), five-sixths of 1 percent.

(b) If the amount financed exceeds one thousand dollars (\$1,000), on so much of the amount financed as exceeds one thousand dollars (\$1,000), two-thirds of 1 percent.

(c) If the finance charge so computed is less than twelve dollars (\$12), twelve dollars (\$12), but if the due date of the last installment of the contract is eight months or less after its effective date, ten dollars (\$10).

SEC. 19. Section 1805.3 of the Civil Code is amended to read:

1805.3. When a retail installment contract provides for unequal or irregular installments, the finance charge shall be at the effective rate provided for in Section 1805.1, having due regard for the schedule of installments.

SEC. 20. Section 1805.4 of the Civil Code is amended to read:

1805.4. The finance charge shall be inclusive of all charges incident to investigating and making the contract and for the extension of the credit provided for in the contract, and no fee, expense or other charge whatsoever shall be taken, received, reserved or contracted for except as otherwise provided in this chapter.

SEC. 21. Section 1805.5 of the Civil Code is amended to read:

1805.5. No seller shall induce or permit any buyer to split up or divide any sales transaction for the purpose of contracting for or receiving a higher rate of finance charge than would otherwise be permitted by this article.

SEC. 22. Section 1806.3 of the Civil Code is amended to read:

1806.3. Notwithstanding the provisions of any contract to the contrary, any buyer may pay the contract in full at any time before maturity and in so paying it shall receive a refund credit thereon for such anticipation. The amount of any such refund credit shall represent at least as great a proportion of the finance charge or, if the contract has been extended, deferred or refinanced, of the additional charge therefor, as the sum of the periodic monthly time balances not yet due bears to the sum of all the periodic monthly time balances under the schedule of installments in the contract or, if the contract has been extended, deferred or refinanced, as so extended, deferred or refinanced. Where the amount of the credit for anticipation of payment is less than one dollar (\$1), no refund need be made. Where the earned finance charge amounts to less than the minimum finance charge, there may be retained an amount equal to the minimum finance charge applicable.

SEC. 23. Section 1807.2 of the Civil Code is amended to read:

1807.2. The holder of a retail installment contract or contracts may, upon agreement in writing with the buyer, refinance the payment of the unpaid time balance or balances of the contract or contracts by providing for a new schedule of installment payments. The holder may charge and contract for the payment of a refinance charge by the buyer and collect and receive the same, but such refinance charge (1) shall be based upon the amount refinanced, plus any additional cost of insurance and of official fees incident to such refinancing, after the deduction of a refund credit in an amount equal to that to which the buyer would have been entitled under Section 1806.3 if he had prepaid in full his obligations under the contract or

contracts, but in computing such refund credit there shall not be allowed the minimum earned finance charge as authorized by such section, and (2) may not exceed the rate of finance charge provided under Article 5 of this chapter. Such agreement for refinancing may also provide for the payment by the buyer of the additional cost to the holder of the contract or contracts of premiums for continuing in force, until the maturity of the contract or contracts as refinanced, any insurance coverages provided for therein, subject to the provisions of Section 1803.5. The refinancing agreement shall set forth:

(a) The amount of the existing outstanding balance to be refinanced, which consists of the unpaid time balance or balances to be refinanced.

(b) The amount of any refund credit.

(c) The difference between items (a) and (b), which is the net outstanding balance to be refinanced.

(d) Any additional cost of insurance and of official fees to the buyer.

(e) The sum of items (c) and (d), which is the amount financed.

(f) The finance charge.

(g) The total of payments, which is the sum of items (e) and (f), payable by the buyer to the holder, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(h) Any "balloon payments," as described in Section 1807.3.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer. Where there is a consolidation of two or more contracts then the provisions of Sections 1808.1 and 1808.2 shall apply.

SEC. 23.5. Section 1807.3 of the Civil Code is amended to read:

1807.3. If any payment under a contract is more than twice the amount of an otherwise regularly scheduled equal payment, the seller shall identify the amount of such payment by the term "balloon payment," and the buyer, upon default of this installment, shall be given an absolute right to obtain a new payment schedule. Unless agreed to by the buyer, the periodic payments under the new schedule shall not be substantially greater than the average of the preceding installments.

SEC. 24. Section 1808.1 of the Civil Code is amended to read:

1808.1. A retail installment contract, which otherwise conforms to the requirements of this chapter, may contain the provision that the seller may at his option add subsequent purchases made by the buyer to the contract, and that the total price of the goods or services covered by the contract shall be increased by the price of such additional goods or services,

and that all finance charges and installment payments may at the seller's option be increased proportionately, and that all terms and conditions of the contract shall apply equally to such additional goods or services. The contract may also provide that the goods purchased under the previous contract or contracts shall be security for the goods purchased under the subsequent contract but only until such time as the total of payments under the previous contract or contracts is fully paid.

SEC. 25. Section 1808.2 of the Civil Code is amended to read:

1808.2. When a subsequent purchase is made, the entire amount of all payments made previous thereto shall be deemed to have been applied toward the payment of the previous deferred payment price or deferred payment prices. Each payment thereafter received shall be deemed to be allocated to all of the various deferred payment prices in the same proportion or ratio as the original cash sale prices of the various purchases bear to one another; where the amount of each installment payment is increased in connection with the subsequent purchase, the subsequent payments (at the seller's election) may be deemed to be allocated as follows: an amount equal to the original payment to the previous deferred payment price, and an amount equal to the increase, to the subsequent deferred payment price. However, the amount of any initial or downpayment on the subsequent purchase shall be deemed to be allocated in its entirety to such purchase.

When a subsequent purchase under this section is made the seller shall deliver to the buyer, prior to the due date of the first installment, a memorandum which shall set forth the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods and services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail in a separate writing.

(b) The cash price of the goods, services and accessories which are the subject matter of the new retail installment sale.

(c) The amount of the buyer's downpayment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c) which is the unpaid balance of cash price.

(e) The amount of the existing outstanding balance to be consolidated, which consists of the unpaid time balance or balances of the prior contract or contracts to be consolidated.

(f) The amount of any unearned finance charge, determined by deducting from the amount of item (e) any then unearned finance charge in an amount not less than the refund credit for anticipation provided for in Article 6 (commencing with

Section 1806.1) of this chapter (computed, however, without the allowance of any minimum earned finance charge).

(g) The difference between items (e) and (f), which is the net outstanding balance to be consolidated.

(h) The amount, if any, included for insurance, specifying the coverages.

(i) The amount, if any, of official fees.

(j) The unpaid balance, which is the sum of items (d), (g), (h) and (i).

(k) The finance charge computed in conformity with Section 1808.5.

(l) The total of payments, which is the sum of items (j) and (k), payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date or period thereof.

(m) Any "balloon payments" as described in Section 1807.3.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

SEC. 26. Section 1808.3 of the Civil Code is amended to read:

1808.3. If a credit sale is one of a series of transactions made pursuant to an agreement providing for the addition of the amount financed plus the finance charge for the current sale to an existing outstanding balance, and the disclosures required under this article for the initial sale and each subsequent sale are delayed until some date prior to the date the first payment for that particular sale is due; and

(1) The customer has approved in writing both the annual percentage rate or rates and the method of treating any unearned finance charge on an existing outstanding balance in computing the finance charge or charges; and

(2) The seller retains no security interest in any property as to which he has received payments aggregating the amount of the sale price including any finance charges attributable thereto; then, for the purposes of this section, in the case of items purchased on different dates, the first purchased shall be deemed first paid for, and in the case of items purchased on the same date, the lowest priced shall be deemed first paid for.

When a credit sale under this section is made, the seller shall deliver to the buyer, prior to the due date of the first installment, a memorandum which shall set forth the following:

(a) The names of the seller and the buyer, the place of business of the seller, the residence or place of business of the buyer as specified by the buyer and a description of the goods and services sufficient to identify them. Services or multiple items of goods may be described in general terms and may be described in detail in a separate writing.

(b) The cash price of the goods, services and accessories which are the subject matter of the new retail installment sale.

(c) The amount of the buyer's downpayment, itemizing the amounts paid in money and in goods and containing a brief description of the goods, if any, traded in.

(d) The difference between item (b) and item (c), which is the unpaid balance of cash price.

(e) The amount, if any, included for insurance, specifying the coverages.

(f) The amount, if any, of official fees.

(g) The amount financed, which is the sum of items (d), (e) and (f).

(h) The amount of the finance charge, which is to be computed in accordance with this chapter.

(i) The deferred payment price, which is the sum of the amounts determined under (b), (e), (f) and (h).

(j) The previous balance, which is the amount owing on prior purchases.

(k) The new balance or total of payments payable by the buyer to the seller, the number of installments required, the amount of each installment expressed in dollars and the due date of the current installment.

(l) Any "balloon payments," as described in Section 1807.3.

The items need not be stated in the sequence or order set forth above; additional items may be included to explain the computations made in determining the amount to be paid by the buyer.

SEC. 27. Section 1808.4 of the Civil Code is amended to read:

1808.4. Until the seller delivers to the buyer the memorandum as provided in Sections 1808.2 and 1808.3, the buyer shall be obligated to pay only the cash price of the subsequent purchase.

SEC. 28. Section 1808.5 of the Civil Code is amended to read:

1808.5. Subject to the other provisions of Article 5 (commencing with Section 1805.1) of this chapter, the finance charge to be included in a consolidated total of payments under Section 1808.2(l) shall be determined by applying the finance charge at the applicable rate specified in that article to the unpaid balance under Section 1808.2(j), for the period from the date of such consolidation to and including the date when the final installment of such consolidated total is payable.

SEC. 29. Section 1810.1 of the Civil Code is amended to read:

1810.1. Notwithstanding any other provision of this article to the contrary, before the first transaction is made on any retail installment account, the seller shall disclose to the buyer in a single written statement, which the buyer may retain, in terminology consistent with the requirements of Section 1810.3, each of the following items, to the extent applicable:

(a) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(b) The method of determining the balance upon which a finance charge may be imposed.

(c) The method of determining the amount of the finance charge, including the method of determining any minimum charge which may be imposed as a finance charge.

(d) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(f) The conditions under which the seller may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and a description or identification of the type of the interest or interests which may be so retained or acquired.

(g) The minimum periodic payment required.

SEC. 29.5. Section 1810.1 of the Civil Code is amended to read:

1810.1. Notwithstanding any other provisions of this article to the contrary, before the first transaction is made on any retail installment account, the seller shall disclose to the buyer in a single written statement, which the buyer may retain, in terminology consistent with the requirements of Section 1810.3, each of the following items, to the extent applicable:

(a) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge.

(b) The method of determining the balance upon which a finance charge may be imposed.

(c) The method of determining the amount of the finance charge, including the method of determining any minimum, charge which may be imposed as a finance charge.

(d) Where one or more periodic rates may be used to compute the finance charge, each such rate, the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year.

(e) The conditions under which any other charges may be imposed, and the method by which they will be determined.

(f) The conditions under which the creditor may retain or acquire any security interest in any property to secure the payment of any credit extended on the account, and a description or identification of the type of the interest or interests which may be so retained, or acquired.

(g) The minimum periodic payment required.

In addition to the penalties provided under Article 12.2 (commencing with Section 1812.6) of this chapter, until the seller delivers the written statement required by this section, the buyer shall be obligated to pay only the cash price of the goods or services.

SEC. 30. Section 1810.2 of the Civil Code is amended to read:

1810.2. Subject to the other provisions of this article the seller or holder of a retail installment account may charge, receive and collect the finance charge authorized by this chapter. The finance charge shall not exceed the following rates computed on the outstanding balances from month to month:

(a) On so much of the outstanding balance as does not exceed one thousand dollars (\$1,000), $1\frac{1}{2}$ percent.

(b) If the outstanding balance is more than one thousand dollars (\$1,000), 1 percent on the excess over one thousand dollars (\$1,000) of the outstanding balance.

(c) If the finance charge so computed is less than one dollar (\$1) for any month, one dollar (\$1).

(d) The finance charge may be computed on a schedule of fixed amounts if as so computed it is applied to all amounts of outstanding balances equal to the fixed amount minus a differential of not more than five dollars (\$5), provided that it is also applied to all amounts of outstanding balances equal to the fixed amount plus at least the same differential.

SEC. 31. Section 1810.3 of the Civil Code is amended to read:

1810.3. (a) Except in the case of an account which the seller deems to be uncollectable or with respect to which delinquency collection procedures have been instituted, the seller of any retail installment account shall mail or deliver to the buyer for each billing cycle at the end of which there is an outstanding debit balance in excess of one dollar (\$1) in that account or with respect to which a finance charge is imposed, a statement or statements which the buyer may retain, setting forth in accordance with subdivision (b) each of the following items to the extent applicable:

(1) The outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance."

(2) The amount and date of each extension of credit or the date such extension of credit is debited to the account during the billing cycle and, unless previously furnished, a brief identification of any goods or services purchased or other extension of credit.

(3) The total amounts credited to the account during the billing cycle for payments, using the term "payment," and for other credits, including returns, rebates of finance charges, and adjustments, using the term "credits," and unless previously furnished, a brief identification of each of the items included in such other credits.

(4) The amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amounts, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge, such as a minimum charge, using appropriate descriptive terminology.

(5) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), and the range of balances to which it is applicable.

(6) The balance on which the finance charge was computed, and a statement of how that balance was determined. If any balance is determined without first deducting all credits during the billing cycle, that fact and the amount of such credits shall also be disclosed.

(7) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges.

(b) The disclosures required by subdivision (a) shall be made on the face of the periodic statement, on its reverse side, or on the periodic statement supplemented by separate statement forms provided they are enclosed together and delivered to the customer at the same time, and further provided that

(1) The disclosures required by paragraph (1) of subdivision (a) shall appear on the face of the periodic statement. If the amounts and dates of the charges and credits required to be disclosed under paragraphs (2) and (3) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement or separate slips which shall accompany the periodic statement and identify each charge and credit and show the date and amount thereof. Identification of goods or services purchased may be made on an accompanying slip or by symbol relating to an identification list printed on the statement. If the disclosures required under paragraph (4) of subdivision (a) are not itemized on the face or reverse side of the periodic statement, they shall be disclosed on a separate statement which shall accompany the periodic statement.

(2) The disclosures required by paragraph (5) of subdivision (a) and a reference to the amounts required to be disclosed under paragraphs (4) and (6) of subdivision (a), if not disclosed together on the face or the reverse side of the periodic statement, shall appear together on the face of a single supplemental statement which shall accompany the periodic statement.

(3) The face of the periodic statement shall contain one of the following notices, as applicable: "NOTICE: See reverse side for important information" or "NOTICE: See accompanying statement(s) for important information" or "NOTICE:

See reverse side and accompanying statement(s) for important information"; and

(4) The disclosures shall not be separated so as to confuse or mislead the customer or obscure or detract attention from the information required to be disclosed.

(c) If any change is to be made in terms of a retail installment account previously disclosed to the buyer, the seller shall mail or deliver to the buyer written disclosure of such proposed change not less than 30 days prior to the effective date of such change or 30 days prior to the beginning of the billing cycle within which such change will become effective, whichever is the earlier date.

SEC. 32. Section 1810.4 of the Civil Code is amended to read:

1810.4. The finance charge shall include all charges incident to investigating and making the retail installment account. No fee, expense, delinquency, collection or other charge whatsoever shall be taken, received, reserved or contracted by the seller or holder of a retail installment account except as provided in this section. A seller may, however, in an agreement which is signed by the buyer and of which a copy is given or furnished to the buyer provide for the payment of attorney's fees and cost in conformity with Article 11 (commencing with Section 1811.1) of this chapter.

SEC. 33. Section 1812.7 of the Civil Code is amended to read:

1812.7. In case of failure by any person to comply with the provisions of this chapter, such person or any person who acquires a contract or installment account with knowledge of such noncompliance is barred from recovery of any finance charge or of any delinquency, collection, extension, deferral or refinance charge imposed in connection with such contract or installment account and the buyer shall have the right to recover from such person an amount equal to any of such charges paid by the buyer.

SEC. 34. Section 1812.9 of the Civil Code is amended to read:

1812.9. In any case in which a person willfully violates any provision of this chapter in connection with the imposition, computation or disclosures of or relating to a finance charge on a consolidated total of two or more contracts under the provisions of Article 8 (commencing with Section 1808.1) of this chapter, the buyer may recover from such person an amount equal to three times the total of the finance charges and any delinquency, collection, extension, deferral or refinance charges imposed, contracted for or received on all contracts included in the consolidated total and the seller shall be barred from the recovery of any such charges.

SEC. 35. It is the intent of the Legislature, if amendments to Section 1810.1 of the Civil Code proposed by both this bill and S.B. 26 are enacted, that both amendments be given effect and incorporated in Section 1810.1 in the form set forth in

Section 29.5 of this act. Therefore, in the event S.B. 26 is enacted and amends Section 1810.1, Section 29.5 of this act shall become operative on January 1, 1971, and at that time, Section 1810.1 of the Financial Code as amended by Section 29 of this act is repealed.

CHAPTER 547

An act to amend Section 707.5 of the Probate Code and to amend Sections 6055, 6203.5, 6359, 6363, 6386, 30106, 30158, and 32110 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor July 28, 1970. Filed with Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 707.5 of the Probate Code is amended to read:

707.5. (a) Except as provided in subdivision (b), all claims by any public entity, as defined in Section 811.2 of the Government Code, must be filed or presented within the time limited in the notice or as extended by the provisions of Sections 702 and 709 of this code, and any such claim not so filed or presented is barred forever, including any lien which has been, or may be, imposed for such claim.

(b) Claims arising under the laws or codes listed below shall be barred only after written request to the agency and expiration of the period provided for in the applicable section of the law or code listed below. If no written request is made the claims shall be barred at the time otherwise specified in such laws or codes.

Law or Code	Applicable Section
Sales and Use Tax Law (commencing with Section 6001 of the Revenue and Taxation Code)	Section 6487.1 of the Revenue and Taxation Code
Bradley-Burns Uniform Local Sales and Use Tax Law (commencing with Section 7200 of the Revenue and Taxation Code)	Section 6487.1 of the Revenue and Taxation Code
Transactions and Use Tax Law (commencing with Section 7251 of the Revenue and Taxation Code)	Section 6487.1 of the Revenue and Taxation Code
Motor Vehicle Fuel License Tax Law (commencing with Section 7301 of the Revenue and Taxation Code)	Section 7675.1 of the Revenue and Taxation Code

Law or Code	Applicable Section
Use Fuel Tax Law (commencing with Section 8601 of the Revenue and Taxation Code)	Section 8782.1 of the Revenue and Taxation Code
Motor Vehicle Transportation License Tax law (commencing with Section 9601 of the Revenue and Taxation Code)	Section 9881.1 of the Revenue and Taxation Code
Personal Income Tax Law (commencing with Section 17001 of the Revenue and Taxation Code)	Section 19266 of the Revenue and Taxation Code
Cigarette Tax Law (commencing with Section 30001 of the Revenue and Taxation Code)	Section 30207.1 of the Revenue and Taxation Code
Alcoholic Beverage Tax Law (commencing with Section 32001 of the Revenue and Taxation Code)	Section 32272.1 of the Revenue and Taxation Code
Unemployment Insurance Code	Section 1090 of the Unemployment Insurance Code
Welfare and Institutions Code	Section 7277.1 of the Welfare and Institutions Code

(c) For the purposes of this section, a claim includes, but is not limited to, a claim for payment of taxes, but this section shall not apply to claims for property taxes, special assessments, assessments, gift taxes, or inheritance taxes.

(d) *Nothing in this section shall be construed to affect the order of priorities of claims provided for under other provisions of law.*

(e) This section shall not apply to liability for the restitution of amounts illegally acquired through the means of any fraudulent, false, or incorrect claim or representation, or any forged or unauthorized endorsement.

SEC. 2. Section 6055 of the Revenue and Taxation Code is amended to read:

6055. A retailer is relieved from liability for sales tax which became due and payable subsequent to September 30, 1957, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. If the retailer has previously paid the tax, he may, under rules and regulations prescribed by the board, take as a deduction the amount found worthless and charged off. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected

shall be included in the first return filed after such collection and the tax paid with the return.

SEC. 3. Section 6203.5 of the Revenue and Taxation Code is amended to read:

6203.5. A retailer is relieved from liability to collect use tax which became due and payable subsequent to September 30, 1957, insofar as the measure of the tax is represented by accounts which have been found to be worthless and charged off for income tax purposes or, if the retailer is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. If the retailer has previously paid the amount of the tax, he may, under rules and regulations prescribed by the board, take as a deduction the amount found worthless and charged off. If any such accounts are thereafter in whole or in part collected by the retailer, the amount so collected shall be included in the first return filed after such collection and the amount of the tax thereon paid with the return.

SEC. 4. Section 6359 of the Revenue and Taxation Code is amended to read:

6359. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this state of food products for human consumption.

"Food products" include cereals and cereal products, oleo-margarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy or confectionery.

"Food products" include milk and milk products, milkshakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" include all fruit juices, vegetable juices, and other beverages, whether liquid or frozen, except bottled water, spirituous, malt or vinous liquors or carbonated beverages.

"Food products" do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

None of the exemptions provided for in this section shall apply: (a) when the food products are served as meals on or off the premises of the retailer, or (b) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food

products to others, or (c) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "take out" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (d) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

SEC. 5. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, meals and food products for human consumption served to the students of a school by public or private schools, school districts, student organizations, parent-teacher associations, and any blind person (as defined in Section 19153 of the Welfare and Institutions Code) operating a restaurant or vending stand in an educational institution under Article 5 of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359.

SEC. 5.5. Section 6386 of the Revenue and Taxation Code is amended to read:

6386. There are exempted from the computation of the amount of the sales tax the gross receipts from the sale in this state of tangible personal property to a holder of a valid seller's permit issued under Section 6067 when the property is used by the purchaser outside of this state in his performance of a contract to improve real property and, as a result of such use, is incorporated into and becomes a part of real property located outside of this state. This exemption shall apply only if the purchaser certifies in writing to the seller, in such form as the board may prescribe, that the property will be used in a manner and for a purpose herein specified.

SEC. 6. Section 30106 of the Revenue and Taxation Code is amended to read:

30106. The taxes imposed by this part shall not apply to the use or consumption of untaxed cigarettes transported or brought into this state in a single lot or shipment of not more than 400 cigarettes by an individual for his own use or consumption, or of not more than 400 untaxed cigarettes obtained at one time from any of the instrumentalities listed in Section 30102.

SEC. 7. Section 30158 of the Revenue and Taxation Code is amended to read:

30158. Whenever any wholesaler fails to comply with any provision of this part or any rule or regulation of the board

prescribed and adopted under this part, the board upon hearing, after giving the wholesaler at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked or suspended, may revoke or suspend the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a license to a wholesaler whose license has been revoked or suspended unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

SEC. 8. Section 32110 of the Revenue and Taxation Code is amended to read:

32110. Before commencing to transport wine or beer into this state pursuant to the provisions of Section 23661.5 of the Business and Professions Code, the wine or beer manufacturer or producer shall register with the board and make application to the board for a manufacturer's interstate alcoholic beverage transporter's permit, which, upon issuance, shall be valid until revoked by the board.

CHAPTER 548

An act to amend Section 6363 of the Revenue and Taxation Code, relating to sales and use tax.

[Approved by Governor July 28, 1970. Filed with
Secretary of State July 28, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, meals and food products for human consumption served to the students of a school by public or private schools, school districts, student organizations, parent-teacher associations, and any blind person (as defined in Section 19153 of the Welfare and Institutions Code) operating a restaurant or vending stand in an educational institution under Article 5 (commencing with Section 19625) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359.

The exemption provided by this section shall not apply when the meals or food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

CHAPTER 549

An act to amend Sections 8044.5 and 8045.5 of the Fish and Game Code, relating to fish taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 29, 1970. Filed with Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8044.5 of the Fish and Game Code is amended to read:

8044.5. Notwithstanding the other provisions of this article, every broker or importer of fish, mollusks or crustaceans who (a) sells to other brokers, importers or wholesalers only, (b) who buys from other brokers, importers or wholesalers only, and (c) who does not receive fish from fishermen except fishermen who are also wholesalers shall procure a fish broker and importer's license for each place of business.

Any person qualifying under the provisions of this section may procure a fish broker and importer's license in lieu of a license under Section 8040 and, upon doing so, shall not be required to comply with the provisions of Section 8045.5 and 8046.

The annual fee for the license issued pursuant to this section is one hundred dollars (\$100). The license year shall be from July 1 to June 30 of the year following, or, if issued after the beginning of such term, for the remainder thereof.

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8044 shall be inoperative until July 1, 1972.

SEC. 2. Section 8045.5 of the Fish and Game Code is amended to read:

8045.5. Every person operating under a license issued pursuant to this article shall, in addition to the license fee, pay a privilege tax for each pound, or fraction thereof, of fish purchased, received, or taken by him in accordance with the following schedule:

	Rate per pound
(a) Mollusks and crustaceans irrespective of use, excluding squid and crab -----	\$0.01
(b) Salmon, based on the weight in the round, irrespective of use -----	0.02
(c) Crab, irrespective of use -----	0.0015
(d) Rockfish (family Scorpaenidae) and flatfish (order Heterosomata), except for halibut, irrespective of use -----	0.0005
(e) Other fish, including halibut and squid, for bait or for human consumption except for canning--	0.005

	Rate per pound
(f) All other fish, including squid, which are canned, or reduced, or for other than bait or human consumption -----	0.0005

Fish imported into California from another state or country, and which are for human consumption and are not thereafter canned or cooked by a licensee, shall not be subject to such a privilege tax.

This section shall be operative July 1, 1970, and shall remain in effect only until July 1, 1972, and shall have no force or effect after that date. Section 8045 shall be inoperative until July 1, 1972.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

For this statute to be operative in time to afford the protection provided to importers of fish, mollusks, or crustaceans from double taxation, it must take effect immediately.

CHAPTER 550

An act to maintain the Education Code by amending Section 5995.8, by amending and renumbering the heading of Article 4 (commencing with Section 6478) of Chapter 6.5 of Division 6, by amending Sections 6714, 13355.2, 13444.5, 13507, 14696, 15714, 18456, 19258, 24207, and 25450.4, by amending and renumbering Section 11483, as added by Chapter 1009, Statutes of 1969, by adding a chapter heading to Division 18, immediately preceding Section 24151, and by repealing the heading of Chapter 6 (commencing with Section 23951) of Division 18, relating to education.

[Approved by Governor July 29, 1970. Filed with
Secretary of State July 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 5995.8 of the Education Code is amended to read:

5995.8. The Superintendent of Public Instruction shall allow to each district with a high school, and the Board of Governors of the California Community Colleges shall allow to each district with a community college, other than those for which an allowance was made under Section 5995.7, for which an application has been approved under this article, an amount equal to the total funds, exclusive of federal funds, to be expended for the purposes of this article, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance in grades 9 through 12 in the case of high schools, and grades 13 and 14 in the case of community

colleges, during the preceding fiscal year in the district bears to the assessed valuation of such average daily attendance in the state and three-fourths of the total funds, exclusive of federal funds to be expended for the purpose of this article.

SEC. 2. The heading of Article 4 (commencing with Section 6478) of Chapter 6.5 of Division 6 of the Education Code is amended and renumbered to read:

**Article 3.6. Experimental Program for More
Effective Schools**

SEC. 3. Section 6714 of the Education Code is amended to read:

6714. Any pupil who absents himself from any 24-hour elementary school without permission being first obtained from the principal shall be deemed an habitual truant within the meaning of Section 601 of the Welfare and Institutions Code, and dealt with as such.

Any person who contributes to the absence of any pupil from the school without permission first having been obtained from the principal, or advises, connives at, or aids or assists in such absence or conceals any pupil after such absence is guilty of a misdemeanor.

SEC. 4. Section 11483 of the Education Code, as added by Chapter 1009, Statutes of 1969, is amended and renumbered to read:

11484. For the purposes of computing average daily attendance of junior college pupils in work experience education programs, the following provisions shall apply:

(a) One student contact hour is to be counted for each unit of work experience credit in which a student is enrolled during any census period. In no case shall duplicate student contact hours be counted for classroom study and work experience. The maximum contact hours counted for a student shall not exceed the maximum number of work experience units for which the student may be granted credit under the rules and regulations of the Board of Governors of the California Community Colleges.

(b) "Immediate supervision" of off-campus work stations shall be defined as student participation in on-the-job training as outlined under a training agreement, coordinated by the school district under a state-approved plan, wherein the employer and the certificated community college coordinator share responsibility for on-the-job supervision.

SEC. 5. Section 13355.2 of the Education Code is amended to read:

13355.2. As used in this article:

(a) "Center" means a professional development and program improvement center which is an elementary school designated as such upon application of a school district by the State Board of Education. It is a school in which a program under either Title I of the Elementary and Secondary Education Act

of 1965, the Miller-Unruh Basic Reading Act (Chapter 5.8 (commencing with Section 5770) of Division 6), or the mathematics improvement program (Chapter 5.9 (commencing with Section 5799) of Division 6) is in operation.

(b) "Satellite school" means any other school or schools in the district designated as such by the district and approved by the State Board of Education. Satellite schools shall be named in accordance with the priority measures established by Section 13355.6.

(c) "Program" means a professional development and program improvement center program established pursuant to this article.

(d) "Joint program" shall mean a program undertaken through joint agreement by two or more school districts or county superintendents of schools joined together for the purpose of providing in-service and preservice training to teachers teaching kindergarten and grades 1 through 8 and to those teachers who will be entering classroom teaching in the same grade levels in the schools of the districts participating in the joint agreement.

SEC. 6. Section 13444.5 of the Education Code is amended to read:

13444.5. The provisions of Section 13443 shall not be construed as in any way modifying or affecting the provisions of Section 13442.

SEC. 7. Section 13507 of the Education Code is amended to read:

13507. Teachers in an opportunity school or opportunity classes shall be paid in the same manner as in other elementary schools of the city, city and county, or the school district in which the opportunity school or opportunity classes are situated.

SEC. 8. Section 14696 of the Education Code is amended to read:

14696. (a) Notwithstanding the provisions of Section 14694, persons other than (1) teachers and (2) other persons employed in a status requisite for membership in the State Teachers' Retirement System, who are active or retired members of a district retirement salary plan established under Sections 14551 to 14698, inclusive, in any school district or districts in which the average daily attendance of all districts combined is in excess of 200,000, governed by the same governing board, may be transferred by the governing board of the district or districts, with the consent of the majority of such active members of the plan expressing their desires with respect to the transfer evidenced in such manner as the governing board may prescribe; but no transfer of such active and retired members shall be effective for any purpose unless provision is made for retirement allowances for active and retired employees of the district as provided in subdivision (b) of this section.

(b) (1) Active and retired employees, including future employees, of the district or districts who otherwise would be members of such plan, persons who are members of the district's retirement salary plan under Section 14689 of this code, and persons who were employees on June 30, 1957, and who attained age 65 or over during the 12 months immediately preceding July 1, 1957, other than teachers and persons employed in a status requisite for membership in the State Teachers' Retirement System or who were so employed prior to retirement, shall be made members and beneficiaries, respectively, of the Public Employees' Retirement System according to the provisions of Part 3 (commencing with Section 20000), of Division 5, of Title 2 of the Government Code, including transfer to said system of the accumulated contributions of said members, together with such other assets of said plan as may be determined. The total of such other assets transferred, however, shall not be greater than the portion of the reserves of such plan which is allocable to such active and retired employees, as determined by actuarial valuation. In such valuation the portion of the reserves allocable to such active and retired employees proposed to be transferred shall be determined as an amount which bears the same ratio to the total reserves under such plan as the liabilities under the plan on account of such active and retired employees bear to the total liabilities under the plan on account of all active and retired employees thereunder. On the effective date of the contract making such active employees members of the Public Employees' Retirement System, such employees shall cease to be members of such plan, and neither they nor retired persons who are made beneficiaries of such state system, shall be paid or have any right to any allowance or other benefit under such plan for time beginning with said effective date.

(2) With respect to persons who are members of such plan at such transfer, it shall be provided in the contract making such employees members of the Public Employees' Retirement System, that their respective rates of contribution thereunder shall be based on the age at the nearest birthday at July 1, 1944, or at the respective later effective dates of their membership in such plan, all instead of the age at the nearest birthday at the effective date of membership in such employees' system.

(3) Each employee of the district or districts who is included in such contract, but who during all or part of his employment in a status requisite for membership in such plan was not a member thereof, because of his election under an available option, or who, while employed in a status not requisite for membership in such plan, was a member of the State Teachers' Retirement System and was contributing to that system, or who did not redeposit upon reentry into membership contributions previously withdrawn, shall have the right to elect by written document filed with the Board of Administration, Public Employees' Retirement System, at any

time within 90 days after the date upon which the notice of the right to make such election is mailed by such system either to the member's latest address on file in the office of such system, or to the office of the governing board of such district or districts, and prior to the date of retirement, to contribute to such system, subject to minimum payments fixed by the board of administration, and in one or more sums, or in not to exceed 60 monthly payments, an amount which, when added to his accumulated contributions, including interest, transferred as required in paragraph (1) of this subdivision (b), will make a total amount equal to the accumulated contributions, including interest, which would have been credited to him in such plan, if he had never elected not to be a member thereof, or if he had been a member of such plan during the time he was a member of such State Teachers' Retirement System and was contributing thereto, or if he had redeposited such withdrawn contributions upon such reentry, as the case may be. Such employee shall pay to the Public Employees' Retirement System interest on the unpaid balance of the amount payable to such system, beginning with the date of transfer, at the rate of interest currently used from time to time under the system. If such employee elects to make, and makes such contributions, and pays such interest, but not otherwise, he shall receive credit under such employees' system, as state service, for all the service rendered while he was not a member of such plan, because of his optional exclusion, or for service rendered while he was contributing to such State Teachers' Retirement System; provided, such service is no longer credited under such teachers' system, or for all service upon which the withdrawn contributions were based, and for the purpose of paragraph (2) shall be considered as a member of such plan at such transfer and from November 1, 1937, or later beginning date of such service. Regardless of whether such contributions are made, such employee shall receive credit for service with which he was credited or would have been credited if he had been a member, as prior service under such plan. The contributions under this paragraph (3) shall be added to and administered in the same manner as the contributions transferred under paragraph (1) of this subdivision (b).

(4) Service rendered by active employees who are made members of the Public Employees' Retirement System prior to or after the assumption by the district or districts of the function under which the service was rendered, but prior to the effective date of the contract making active employees such members, and the compensation for which was paid wholly or in part from funds other than the funds of the district or districts, shall be credited under such employees' system, provided such service qualified for credit under such plan.

(5) The contract making such active employees members of the Public Employees' Retirement System, shall include such employees with respect to service rendered in a status in

which they are not eligible for membership in the State Teachers' Retirement System, as provided in Section 20491 of the Government Code, and also with respect to service rendered in a status in which they are eligible for such membership, but which is no longer credited under such teachers' retirement system, and such service shall be credited in the manner applicable to service otherwise qualifying for credit.

(6) Retirement allowances being paid under such plan to retired employees of the district or districts, who are made beneficiaries of the Public Employees' Retirement System, shall be changed by action of the governing board of such districts, effective at such transfer, to retirement allowances calculated on the basis of service used in the calculation of the respective allowances under such plan, and average annual salary earnable during the highest three consecutive years of creditable service, calculated according to the methods used at the date of transfer, under such plan in determining salary earnable, but excluding any salary based on overtime as provided in Section 20025.2 of the Government Code, but otherwise according to the formulae under such employees' system which apply to active employees who are made members thereof. Such changed allowances shall be paid to such beneficiaries for time commencing on the date they are made beneficiaries of such employees' system. No allowance shall be reduced by such change.

(7) If two or more districts under the control and management of a single governing board are participants in such plan, one contract between the board of administration and such governing board may include all such districts. The governing board may apportion the total contributions required under the contract, among the districts on the basis of total salaries upon which the contributions are computed, and on the basis of other pertinent information.

(8) The contract making such active employees members of the Public Employees' Retirement System shall provide that the service included in the calculation of the completed years of service as a basis for the portion of the basic death benefit provided in subdivision (b) of Section 21361 of the Government Code for persons who were members of such plan at transfer, shall not be limited to service under the Public Employees' Retirement System, but instead that service rendered as members of such plan shall also be included.

Sec. 9. Section 15714 of the Education Code is amended to read:

15714. For the purposes of Sections 21702, 21703, and 21707, 60 percent of any remaining payments which would become due from the district under any leases and agreements entered into by the district pursuant to this article (commencing at Section 15701), if such leases and agreements were to run their full term, shall be considered outstanding bonded indebtedness.

SEC. 10. Section 18456 of the Education Code is amended to read:

18456. If the total amount allowed from the State School Fund to all districts and county school service funds under Sections 18060, 18062, and subdivisions 1(a), 1(b), 1(d), 3(c), 3(d), 3(e), and 3(f) of Section 18102, inclusive, on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced proportionately.

SEC. 11. Section 19258 of the Education Code is amended to read:

19258. Apportionments from the Urban School Construction Aid Fund created by Section 19278 shall be limited to urban districts and shall be made for the sole purpose of reconstructing or replacing existing substandard buildings constructed prior to 1943. Such apportionments shall be made in the manner and subject to the conditions herein provided and in accordance with policies adopted by the board for the following purposes:

(1) The acquisition, by purchase or lease, and the installation and equipping portable classrooms for instructional purposes.

(2) The acquisition and development of school sites.

(3) The construction and equipping of permanent school buildings and facilities.

(4) The reconstruction, renovation, or remodeling of existing school buildings and facilities.

(5) Any combination of the above.

As a part of such purposes, where a district is required by a contract entered into between itself and a contractor, to obtain at its own expense insurance covering risks incurred during any construction, reconstruction or alteration for which an apportionment has been made, the cost thereof may be paid either directly, or by way of reimbursement, to said district out of said apportionment, or out of any apportionment made specifically covering such insurance, provided that in other respects said apportionments are eligible for payment under provisions of this chapter.

A leasehold or use permit interest held by a school district in land owned in fee simple by the government of the United States may, for all purposes of this chapter, be deemed a purchase of land by the district and to vest title and ownership in the district.

SEC. 12. The heading of Chapter 6 (commencing with Section 23951) of Division 18 of the Education Code is repealed.

SEC. 13. A chapter heading is added to Division 18 of the Education Code, immediately preceding Section 24151, to read:

CHAPTER 6. VOCATIONAL TEACHERS

SEC. 14. Section 24207 of the Education Code is amended to read:

24207. The employment of any employee of the trustees, excepting those employees who on October 1, 1949, and on September 7, 1955, were members of the State Teachers' Retirement System, shall terminate on the first day of the calendar month next succeeding that in which he attains age 70, except as provided in this section.

An academic or administrative employee may elect to continue in active service until the end of the college term or academic year during which he attains age 70. An academic employee who reaches the age of 70 years, if mentally and physically sound, may be employed from year to year without tenure, for the good of the service, at the discretion of the trustees. The payment of retirement allowances by either the State Teachers' Retirement System or the Public Employees' Retirement System, or both of said systems, to such a person employed from year to year shall be suspended during the period of such employment or reemployment and such suspension shall not serve to reinstate such a person to membership in either of said systems. If a person should die during such a period of suspension, said systems shall pay any death benefits that would have been payable had the death not occurred during such a period. A period of suspension shall end on the last day of the month during which such employment or reemployment is terminated. Said systems shall then resume the payment of the retirement allowance to such a person without change from what it was at the beginning of the latest period of suspension except for any change in the provisions governing the calculation of the allowance which was made during said period and made applicable to persons then retired.

Any person over the age of 70 years who otherwise has the qualifications of an academic or administrative employee and who is not retired under the State Teachers' Retirement System or the Public Employees' Retirement System, if mentally and physically sound, may be employed from year to year without tenure at the discretion of the trustees. Such employment shall not entitle him to become a member of nor serve to reinstate him as a member of either of said systems.

SEC. 15. Section 25450.4 of the Education Code is amended to read:

25450.4. Any junior college district formed pursuant to this article shall be a separate junior college district for all purposes and shall not be an integral part of the petitioning district for any purposes.

SEC. 16. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 551

An act to amend Section 18004 of, and to repeal Section 68500.1 of, the Government Code, relating to judicial personnel.

[Approved by Governor July 29, 1970. Filed with
Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18004 of the Government Code is amended to read:

18004. (a) Unless the Legislature specifically provides that approval of the Department of Finance is not required, whenever any state agency is authorized by special or general statute to fix the salary or compensation of an employee or officer, which salary is payable in whole or in part out of state funds, the salary is subject to the approval of the Department of Finance before it becomes effective and payable, except as provided in subdivision (b).

(b) Whenever any state court or other judicial agency is authorized by statute to fix the salary of an employee or officer who is exempt from civil service under paragraph (3) of subdivision (a) of Section 4 of Article XXIV of the Constitution, the salary is subject to the approval of the Chairman of the Judicial Council before it becomes effective and payable.

SEC. 2. Section 68500.1 of the Government Code is repealed.

CHAPTER 552

An act to amend Section 531.1 of, and to add Sections 536 and 537 to, the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor July 29, 1970. Filed with
Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 531.1 of the Revenue and Taxation Code is amended to read:

531.1. Upon receipt of notice pursuant to Section 284, or upon indication from any audit or other source that an exemption has been incorrectly allowed, the assessor shall make a redetermination of eligibility for the exemption. If an exemption or any portion of an exemption has been incorrectly allowed, an escape assessment in the amount of the exemption, or that portion of the exemption that has been erroneously allowed, with interest as provided in Section 506, shall be made; except that where the exemption or a portion of the exemption was allowed as the result of an assessor's error, the amount of interest shall be forgiven. If the exemption was

incorrectly allowed because of erroneous or incorrect information submitted by the claimant with knowledge that such information was erroneous or incomplete, the penalty provided in Section 504 shall be added to the assessment.

SEC. 2. Section 536 is added to the Revenue and Taxation Code, to read:

536. Any amount paid by the state to reimburse local taxing agencies for loss of revenue resulting from incorrectly allowed exemptions, if not repaid to the state, shall be deducted under Section 12419.5 of the Government Code from the next reimbursement to such agencies.

The assessor shall notify the State Controller of all incorrectly allowed exemptions for which local taxing agencies have been reimbursed by the state for loss of revenue, and all escape assessments made because thereof.

SEC. 3. Section 537 is added to the Revenue and Taxation Code, to read:

537. Upon any indication that a payment has been incorrectly allowed under Section 32 of Chapter 1 of the Statutes of the 1968 First Extraordinary Session of the Legislature, as amended, the assessor shall make a redetermination of eligibility for such payment. If a payment has been incorrectly allowed, the amount thereof, with interest, shall be deemed to be owing as a result of an escape assessment made under Section 531.1 against the dwelling on which the claim for the payment was filed, but only if the claimant is still the owner of such dwelling.

Any amounts collected as a result of such escape assessments shall be remitted to the State Controller.

CHAPTER 553

An act to add Article 4.5 (commencing with Section 43571) to Chapter 4 of Division 17 of the Agricultural Code, relating to melons and vegetables.

[Approved by Governor July 29, 1970. Filed with Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 43571) is added to Chapter 4 of Division 17 of the Agricultural Code, to read:

Article 4.5. Out-of-State Processing

43571. The provisions of this division shall not be construed to prohibit the shipment, transportation or movement of melons and vegetables in field bins or bulk out of this state a distance not exceeding 25 miles in depth beyond the border into any adjoining states within the United States, if all of the following exist:

(a) Melons and vegetables are grown in this state and adequate facilities are available in the adjoining state to handle and pack the melons and vegetables as set forth in this division.

(b) The melons and vegetables are not trimmed or vacuum cooled in California prior to packing.

(c) The activities are carried out on behalf of the grower or shipper as part of a continuous activity of harvesting, wrapping, packing, processing, cooling, vacuum cooling, applying of controlled atmosphere, or otherwise preparing melons and vegetables for shipment and sale in accordance with the requirements of this division.

(d) The grower or shipper has obtained a permit from the director authorizing such movement into an adjoining state and has complied with such rules and regulations, including those requiring inspection in the state of destination, as the director may require.

(e) The director has obtained verification from the state officials of the destination state satisfactory to the director that the melons and vegetables will be handled and packed in accordance with the requirements specified in the permit. Such permit shall be valid for a period not to exceed 180 days and may be renewed for successive 180-day periods. Such permit will be canceled for failure to meet the requirements specified.

CHAPTER 554

An act to amend Sections 107.1, 202.5, 215, 469, 532, 620, and 1629 of, to amend and renumber Sections 1822 and 2192.3 of, and to repeal Sections 165, 603, 604, and 605 of, the Revenue and Taxation Code, and to repeal Section 3 of Chapter 542 of the Statutes of the 1968 Regular Session of the Legislature, relating to property taxation.

[Approved by Governor July 29, 1970 Filed with
Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 107.1 of the Revenue and Taxation Code is amended to read:

107.1. The full cash value of a possessory interest, when arising out of a lease of exempt property, is the excess, if any, of the value of the lease on the open market, as determined by the formula contained in the case of De Luz Homes, Inc. v. County of San Diego (1955), 45 Cal. 2d 546, over the present worth of the rentals under said lease for the unexpired term thereof.

A possessory interest taxable under the provisions of this section shall be assessed to the lessee on the same basis or percentage of valuation employed as to other tangible property on the same roll.

This section applies only to possessory interests created prior to the date on which the decision of the California Supreme Court in *De Luz Homes, Inc. v. County of San Diego* (1955), 45 Cal. 2d 546, became final. It does not, however, apply to any of such interests created prior to that date that thereafter have been, or may hereafter be, extended or renewed, irrespective of whether the renewal or extension is provided for in the instrument creating the interest.

This section does not apply to leasehold estates for the production of gas, petroleum and other hydrocarbon substances from beneath the surface of the earth, and other rights relating to such substances which constitute incorporeal hereditaments or profits a prendre.

SEC. 2. Section 165 of the Revenue and Taxation Code is repealed.

SEC. 3. Section 202.5 of the Revenue and Taxation Code is amended to read:

202.5. Personal property used exclusively in the performance of activities authorized by Division 18 (commencing with Section 23600) of the Education Code, whether by the college itself or by an auxiliary nonprofit corporation or student body organization with which the Director of Education has entered into a lease or contract for the performance of such activities, is deemed property used exclusively for public schools and shall be exempt from taxation.

It is hereby declared that this section is not a change in the present law but is a declaration of preexisting law.

SEC. 4. Section 215 of the Revenue and Taxation Code is amended to read:

215. All personal property owned by a veteran organization which has been chartered by the Congress of the United States, when the same are used solely and exclusively for the purposes of such organization, if not conducted for profit and no part of the net earnings of which inures to the benefit of any private individual or member thereof, shall be exempt from taxation.

SEC. 5. Section 469 of the Revenue and Taxation Code is amended to read:

469. In any case in which locally assessable business tangible personal property owned, claimed, possessed or controlled by a taxpayer engaged in a profession, trade, or business has a full cash value of fifty thousand dollars (\$50,000) or more, the assessor shall audit the books and records of such profession, trade, or business before October 6, 1971, and at least once each four years thereafter. If the board determines the value of property pursuant to Chapter 2 (commencing with Section 1815) of Part 3 of this division, such determination may be deemed an audit by the assessor for purposes of this section.

SEC. 6. Section 532 of the Revenue and Taxation Code is amended to read:

532. Any assessment to which the penalty provided for in Section 504 must be added shall be made within six years after

July 1 of the assessment year in which the property escaped taxation or was underassessed. Any other assessment made pursuant to Article 3 (commencing with Section 501) of this chapter, or pursuant to this article shall be made within four years after July 1 of the assessment year in which the property escaped taxation or was underassessed; provided, however, that with respect to property which escaped taxation for the fiscal years commencing on July 1, 1966, and ending on June 30, 1967, and commencing on July 1, 1967, and ending on June 30, 1968, such assessment shall be made on or before October 6, 1971.

Any assessment made pursuant to Article 3 (commencing with Section 501) of this chapter or made pursuant to this article shall not create or impose a lien or charge on such real property for such assessment or any penalty or interest if (1) such real property has been transferred or conveyed to a bona fide purchaser for value prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon, or (2) such real property is subject to a lien of a bona fide encumbrance for value created and attaching prior to the date of such assessment and the showing thereof on the secured roll with the date of entry specified thereon. In such cases the assessor or tax collector may record with the county recorder of any county a certificate which shall set forth the name of the person who would have been the assessee in the year in which such real property escaped assessment and the amount or amounts of any such assessments and penalties. From the date of the recording of such certificate a lien shall be created and attach against any real property owned by such person in the county or counties in which any such certificate may have been recorded which lien shall have the force, effect and priority of a judgment lien.

The tax collector, with the approval of the board of supervisors, may at any time release all or any portion of real property subject to any lien created or attaching by the recording of such a certificate from such lien or subordinate such lien to other liens and encumbrances if he determines that the assessment or taxes are sufficiently secured by a lien on other property belonging to the person named in such a certificate or that the release or subordination will not endanger or jeopardize the collection of such assessment or taxes.

A written certification by the tax collector to the effect that real property subject to any lien imposed by the recording of the certificate as hereinbefore provided has been released from such lien or that such lien has been subordinated to other liens shall be conclusive evidence as to any bona fide purchaser, encumbrancer or lessee that such lien has been released or has been subordinated as set forth in such written certification. Such written certification may be recorded with the county recorder of any county.

SEC. 7. Section 603 of the Revenue and Taxation Code is repealed.

SEC. 8. Section 604 of the Revenue and Taxation Code is repealed.

SEC. 9. Section 605 of the Revenue and Taxation Code is repealed.

SEC. 11. Section 620 of the Revenue and Taxation Code is amended to read:

620. If the assessor does not send a notice pursuant to Section 619 or Section 621 to an assessee whose property was not on the prior year's secured roll, or to an assessee of real property on the local secured roll whose property's full cash value has increased, then such assessee may pay taxes under protest. If payments are made in installments, the protest need not be repeated with the second installment. Protests shall be made by filing with the tax collector, together with the payment of the taxes or their first installment, a petition for assessment reduction on the form prescribed by the county board, which form the collector is to forward to the clerk of the county board with the notation that taxes were paid under protest pursuant to this section. The county board may, after receipt of the petition for assessment reduction from the tax collector, hold a public hearing at the next regular board meeting, notice of time and place of which shall be sent to the person paying the tax under protest at the address stated in the protest or if no such address is stated, then to the address of the assessee according to the last equalized assessment roll. If the taxes are so paid and the assessee has not previously applied for a reduction of the assessment, the county board at its next annual meeting as an equalization board shall thereupon equalize such assessment in the manner prescribed by Article 1 (commencing with Section 1601) of Chapter 1 of Part 3 of this division.

The tax rate fixed for property on the roll on which the property so equalized appears at the time of its original assessment shall be applied to the amount of the equalized assessment, determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

If any taxes are paid under protest pursuant to this section, the taxing agency to which the taxes are paid may, in accordance with Section 26906.1 of the Government Code, impound such taxes until the final disposition of the claim or action respecting the protest. No such impounding is required.

SEC. 12. Section 1629 of the Revenue and Taxation Code is amended to read:

1629. The terms "tax appeals board" and "assessment appeals board" are synonymous.

SEC. 13. Section 1822 of the Revenue and Taxation Code is amended and renumbered to read:

1826. If any county, city and county, or municipal corporation desires to secure a review, equalization, or adjustment of the assessment of its property by the board in pursuance of Section 1 of Article XIII of the State Constitution, it shall apply to the board therefor in writing on or before the third Monday in July, or within two weeks after the completion and delivery by the assessor of the local roll containing such assessment to the auditor as provided in Section 617, whichever is the later. If the assessment objected to is one made outside the regular period for such assessments, the application for review shall be filed with the board within two weeks from the date the tax bill is mailed to the assessee.

Every application shall show the facts claimed to require action of the board, and a copy thereof shall be filed with the assessor whose assessment is questioned. Upon receipt of a timely application the board shall afford the applicant notice and a hearing in accordance with such rules and regulations as the board may prescribe.

SEC. 14. Section 2192.3 of the Revenue and Taxation Code is amended and renumbered to read:

991. A tax of one-tenth of 1 percent is hereby levied on the full cash value of cotton in the baled form.

The tax shall be assessed, equalized, levied and collected like any other county taxes, except as otherwise specifically provided, and is in lieu of all other property taxes on cotton.

SEC. 15. Section 3 of Chapter 542 of the Statutes of the 1968 Regular Session of the Legislature is repealed.

CHAPTER 555

An act to amend Sections 8732 and 9603.3 of, and to add Section 7382 to, the Revenue and Taxation Code, relating to state taxes.

[Approved by Governor July 29, 1970 Filed with
Secretary of State July 29, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7382 is added to the Revenue and Taxation Code, to read:

7382. If a person certifies in writing to an aircraft jet fuel dealer that the sale or use of aircraft jet fuel purchased by him is not subject to the tax imposed by Section 7380 and the person uses the fuel as an aircraft jet fuel user, the person shall be liable for payment of the tax imposed by Section 7380

as if he were an aircraft jet fuel dealer making taxable sales of aircraft jet fuel at the time of such use and the number of gallons of fuel so used shall be deemed the number of gallons sold by him.

SEC. 2. Section 8732 of the Revenue and Taxation Code is amended to read:

8732. A vendor of fuel the use of which is taxable under this part, who sells and delivers such fuel into a fuel tank shall, at the time of sale, collect the tax from the user and give to the user a receipt therefor in the manner and form prescribed by the board.

Vendors of fuel required by this section to collect tax from users shall not be required to make such collections on sales and deliveries to users who are authorized by the board, as hereinafter provided, to purchase fuel without payment of tax to a vendor.

The board may issue written authorization to a holder of a valid use fuel permit to purchase fuel from a vendor designated by the user without payment of the tax to the vendor when the board finds (1) that the user consistently is using the fuel in vehicles which are operated partly without this state or off the highways of this state, or the user qualifies for the exemption provided in Section 8655, and (2) that to require collection of the tax from the user by the vendor would cause consistently recurring overpayments of the tax, and (3) that the revenue of the state with respect to the tax liability of such user is adequately secured. Such authorization may be revoked when any such condition no longer obtains.

SEC. 3. Section 9603.3 of the Revenue and Taxation Code is amended to read:

9603.3. "Operator" does not include any of the following:

(a) Any person transporting his own property in a motor vehicle owned or operated by him unless he makes a specific charge for the transportation. This subdivision does not in any way limit any other exemption granted by this section.

(b) Any farmer, resident of this state, who occasionally transports property for other farmers, or who transports his own farm products, or who transports laborers to and from farmwork incidentally in his farming operations.

(c) Any nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 1 (commencing with Section 54001) of Division 20 of the Agricultural Code, to the extent only that it is engaged in the transporting of its own property or the property of its members.

(d) Any person whose sole transportation of persons or property for hire or compensation consists of the transportation of children to or from any public or nonprofit private school and whose total compensation from all sources for pro-

viding such transportation does not exceed one hundred dollars (\$100) in any calendar month.

(e) Any person engaged in the business of operating a hearse or other vehicle in a procession to a burial ground or place of interment and from the burial ground or place of interment to a garage or place of storage.

(f) Any registered owner of a pleasure vehicle who, while operating the vehicle, transports persons to his work or to a place through which he passes on the way to his work, whether for or without compensation, if he is not in the business of furnishing such transportation.

(g) Any person engaged in the business of collecting and disposing of garbage, rubbish or waste, and who transports any such matter in a motor vehicle owned or operated by him, unless he makes a separate or specific charge for transportation. It is hereby declared that any such business is one substantially affecting the public health and welfare.

CHAPTER 556

An act to amend Section 1158 of the Evidence Code, relating to records.

[Approved by Governor July 29, 1970. Filed with Secretary of State July 29, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1158 of the Evidence Code is amended to read:

1158. Whenever, prior to filing of any action, an attorney at law presents a written authorization therefor signed by a patient or, in the case of a minor, by a parent or guardian of such minor, or by the personal representative or an heir of a deceased patient, a physician and surgeon, dentist, registered nurse, dispensing optician, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, or clinical laboratory technologist, duly licensed as such under the laws of the state, or a licensed hospital, shall make all of the patient's records under his or its custody or control available for inspection and copying by such attorney at law or his representative, promptly upon the presentation of the written authorization.

Failure to make such records available, during business hours, within five days after the presentation of the written authorization, may subject the person or entity having custody or control of the records to liability for all reasonable expenses, including attorney's fees, incurred in any proceeding to enforce the provisions of this section.

CHAPTER 557

An act to amend Sections 759, 760, 761, 762, 885.4, 886.3, 887.2, 888.2, 889.3, 890.2, 891, 891.1, 892.1, 5773, 5775, 5777, 5799.19, 6757, 6812.5, 6908, 6933, 11753, 11805, 11823, 12902, 12904, 12911, 12912, 12912.5, 13055, 13201, 13202, 13204, 13205, 13206, 13207, 13208, 13219, 13220, 13220.1, 13220.4, 13220.7, 13220.10, 13220.13, 13220.18, 13223, 13224, 13229, 13230, 13239, 13271, 13273.5, 13286, 13287, 13289, 13294, 13296, 13296.1, 13297, 13298, 13575.4, 13575.5, 13575.6, 13944, 13948, 13968, 16625, 16625.2, 16645.15, 18252, 18252.1, 18252.2, 23058, 23758.3, 25423.5, and 29007 of, to amend the heading of Chapter 2 (commencing with Section 13101) of, to amend and renumber the heading of Article 1.4 (commencing with Section 13186.5) of Chapter 2 of, and to amend the heading of Article 2 (commencing with Section 13201) of Chapter 2 of Division 10 of, to amend and renumber Sections 13186.5 and 13186.6 of, to add Sections 13220.24 and 13295 to, and to repeal Sections 12903, 13203, 13203.1, 13225, 13227, 13228, and 13231 of, and to repeal Article 1 (commencing with Section 13101) and Article 1.5 (commencing with Section 13187) of Chapter 2 of Division 10 of, and to add Chapter 1.5 (commencing with Section 13101) to Division 10 of, the Education Code, relating to teacher preparation and licensing, and making an appropriation therefor.

[Approved by Governor July 30, 1970. Filed with Secretary of State July 30, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 13101) of Chapter 2 of Division 10 of the Education Code is repealed.

SEC. 2. Article 1.5 (commencing with Section 13187) of Chapter 2 of Division 10 of the Education Code is repealed.

SEC. 3. Chapter 1.5 (commencing with Section 13101) is added to Division 10 of the Education Code, to read:

CHAPTER 1.5. TEACHER PREPARATION AND
LICENSING LAW OF 1970

Article 1. General Provisions and Definitions

13101. This chapter shall be known and may be cited as the "Teacher Preparation and Licensing Law of 1970."

13102. The Legislature, recognizing the need for excellence in education and the variety and vitality of California's many educational resources, intends to set broad minimum standards and guidelines for teacher preparation and licensing to encourage both high standards and diversity. The Legislature

intends that within the framework of state control school districts and teacher preparation institutions will develop programs which realistically meet the needs and resources of pupils, teacher candidates, school districts, and teacher preparation institutions.

The Legislature finds that highly complex, detailed, and prescriptive regulations governing the preparation and licensing of teachers and administrators frustrate imagination, innovation, and responsiveness. In addition, the Legislature finds that the diversity of functions served by modern education require licensing regulations which are flexible, realistic, responsive, and simple.

13103. As used in this chapter:

(a) "Commission" means the Commission for Teacher Preparation and Licensing.

(b) "Approved institution" means any institution approved by the commission.

(c) "Subject matter examination" means any objective examination approved by the commission as an instrument to measure subject matter knowledge. Successful passage of a subject matter examination or its waiver shall be mandatory for any intern or any applicant for a teaching credential.

(d) "Professional preparation" means either (1) at least any nine semester units of professional education courses and one semester of approved full-time student teaching or its equivalent under the supervision of an approved college or university, or (2) an approved internship program of at least one year.

(e) "Fifth year" means a full academic year, or its equivalent, at the postgraduate level taken at an approved college or university. Institutions of higher education and public schools may be authorized to attest to a teacher's completion of this requirement. Not more than one-half of the fifth year may be in professional education or in "in-service training" as defined in subdivision (f), except that such requirement may be waived by the commission if the credential applicant has taken for credit no more than nine units of professional educational courses and student teaching prior to receipt of his baccalaureate degree.

(f) "In-service training" means any program of teacher education or preparation offered jointly by a school district and an approved college or university for the purposes of improving or upgrading a teacher's skills, knowledge, or instructional methods which is offered for credit and is approved by the commission.

(g) "Authorization" means the designation appearing on the teaching or service credential identifying the areas of instruction or service which the credential holder is permitted to perform.

Article 2. Commission for Teacher Preparation and Licensing

13104. There is hereby established in the state government the Commission for Teacher Preparation and Licensing, to consist of members appointed by the Governor with the advice and consent of the Senate. The commission shall consist of six persons employed as certified personnel in public elementary and secondary schools in California, at least four of whom shall be full-time classroom teachers, and one of whom shall hold a services credential; four faculty members of accredited public or private colleges or universities in California, at least three of whom shall be engaged in full-time teaching, and no more than one of whom shall represent any one discipline; two school board members; and three private citizens.

With the exception of the three private citizens, the appointment of a member shall terminate if he is no longer a certified employee in a public elementary or secondary school, or a faculty member of an accredited public or private college or university, or a school district governing board member, as may be the case, in California.

Not more than one member of the commission is to be appointed from the same school district or college or university campus.

13104.5. Representatives of statewide organizations may submit for the Governor's consideration the names of distinguished individuals to serve on the commission.

13105. The Superintendent of Public Instruction, the Regents of the University of California, the Board of Trustees of the California State Colleges, the Board of Governors of the California Community Colleges, and the Coordinating Council on Higher Education shall each appoint a representative to serve as member *ex officio* without vote.

13106. Of the 15 members appointed by the Governor who are first appointed, three shall be appointed for terms of one year, four shall be appointed for terms of two years, four shall be appointed for terms of three years, and four shall be appointed for terms of four years. Upon the expiration of the term of office of an appointive member of the commission, his successor shall be appointed for a term of four years. No person shall be appointed by the Governor to serve more than two full terms. Prior service on the commission for a term of less than three years resulting from an initial appointment or an appointment for the remainder of an unexpired term shall not be counted as a full term.

13107. If a member is absent from any four regularly scheduled meetings in any calendar year, his office as a member of the commission shall be deemed vacant. The chairman of the commission shall forthwith notify the Governor that such vacancy exists.

13108. The members of the commission shall serve without compensation, but shall be reimbursed for their actual and necessary travel expenses incurred in the performance of their duties.

13109. Whenever an employee of any public school district, state college, or other public agency is appointed to membership on the commission, his employer shall grant him sufficient time away from his regular duties, without loss of income or other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to attend to the duties imposed upon him by reason of his membership on the commission. The employer of any such member may make available such stenographic, secretarial, and staff assistance as is reasonably necessary to enable him to execute the duties imposed upon him by reason of his membership on the commission.

13109.1. The compensation of the members of the commission who are public employees shall not be reduced by the agency or body by which they are regularly employed for any absence from service occasioned by attendance upon the business of the commission, its committees or subcommittees.

Each school district which employs a member of the commission and which is required to employ a person to replace such member during his attendance at meetings of the commission or any committee or subcommittee thereof, shall be reimbursed from the Teacher Credentials Fund for the cost incurred by employing a replacement.

13110. The commission by majority vote of all its members shall elect its own chairman from among its members.

13111. The commission shall meet each month except that the chairman, with the approval of the commission, may omit meetings in July and August and the chairman may call additional meetings at other times.

13112. The commission shall appoint an executive secretary, who shall be exempt from the provisions of the State Civil Service Act, and may in its discretion remove him by a majority vote of all its members. He shall be the secretary to the commission and its chief executive officer. He shall receive such salary as the commission may determine, and, subject to appropriation, such other perquisites as the commission may determine.

13113. The commission may employ such personnel as may be necessary to carry out its duties and responsibilities. The staff of the commission shall be subject to the relevant system and procedures of the state civil service. The provisions of the State Civil Service Act contained in Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code shall apply to such personnel.

All such persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Commission for Teacher Preparation and Licensing or engaged in the administration of a law,

the administration of which is transferred to the commission, shall remain in the state civil service and may request transfer to the commission or remain with the Department of Education on the effective date of this section. The status, position, and rights of any such person shall not be affected by his transfer and shall continue to be retained by him pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service.

13113.1. The Department of Education shall assist the commission in any manner the commission may request in implementing this chapter; provided that the department shall be reimbursed from the Teacher Credentials Fund for any expenses incurred in assisting the commission or the Committee of Credentials.

13114. The duties of the commission shall be to implement this chapter, to establish and promulgate standards and procedures for certifying educational personnel as qualified for a license to practice in the public schools of California, and to support, facilitate, and delineate functions and programs of preparation for the teaching profession.

The commission, consistent with the terms and provisions of this article, shall have the following powers and duties:

(a) To develop standards and procedures for the certification of educational personnel.

(b) To promulgate appropriate rules and regulations.

(c) To issue credentials upon certification to the State Board of Education.

(d) To provide leadership and to coordinate resources for the improvement of teacher education.

(e) To establish advisory committees consisting of representatives from various elements of the teaching profession related to each subject specialization which will help formulate performance standards for general teaching and other educational specialties.

(f) To develop and recommend to the Legislature for its approval alternative ways in which to demonstrate qualifications for licensing which are adapted to individual differences in candidates, preparing institutions, and performance requirements, while at the same time protecting against incompetence.

(g) To develop objective, independently verifiable standards of measurement and evaluation of teaching competence as it relates to teacher licensing.

(h) To develop new or employ existing objective examinations as a measure of subject matter knowledge for the purpose of certifying educational personnel.

(i) To develop objective standards for the identification of specialist teachers.

(j) To monitor and evaluate the results of its action as it relates to the performance of teachers licensed under this article.

(k) To develop and recommend to the Legislature for its consideration, any necessary or desirable legislation to require the continuing education of certified personnel and the issuance of life credentials.

13115. It is the intent of the Legislature that the commission develop rules and regulations of uniform and general applicability and not engage in the prescription of courses and prescriptive unit counting. It is the intention of the Legislature that the commission consider for approval for credential purposes accredited baccalaureate degree granting institutions, programs of professional education and clinical experience, and general standards for the fifth year of preparation as defined in subdivision (e) of Section 13103.

13116. The commission may approve any institution of higher education whose teacher education program meets the standards prescribed by the commission, to recommend to the commission the issuance of credentials to persons who have successfully completed such programs.

13116.1. To assist in approving teacher education programs, the commission may appoint panels of educators, including public school classroom teachers, to serve as members of visiting teams to institutions and school districts having such programs. The provisions of Sections 13108, 13109, and 13109.1 shall be applicable to such panels of educators.

13116.2. The commission shall invite the public, the teaching profession, and interested professional groups and associations to appear before it and submit proposals for commission consideration and action.

13117. The commission shall regularly transmit a report of its findings, and regulations to the State Board of Education. It is the intention of the Legislature that the commission follow policies consistent with the board's general educational objectives for the state, and the commission shall be responsible for the detailed development and implementation of preparation and licensing regulations, subject to conformity with this article.

13117.1. Unless otherwise specified, the meetings of the commission shall be open and public and due notice of their time and place shall be posted.

13117.2. The commission shall recommend to the State Board of Education for adoption amendments, deletions, and additions to those sections of Title 5 of the California Administrative Code dealing with the preparation and licensing requirements of California educational personnel for the implementation of this chapter. Notwithstanding any other provision of law to the contrary, any and all rules, regulations, and determinations of the commission shall be subject to review and approval by the State Board of Education. Any and all such rules, regulations, and determinations shall take effect within 60 days of submission, or 75 days if submitted less than 10 days before the next regularly scheduled board meeting, unless stayed by action of the State Board of Education.

13117.3. The commission shall continuously accumulate data about the number and kind of applicants for the various credentials, the issuance, denial, and revocation of the various credentials, patterns of application, issuance and nonissuance, and any other information deemed necessary and appropriate by the commission, the board, or the Legislature. Such data shall regularly be analyzed and evaluated and submitted to the State Board of Education for transmission to the Legislature in the form of an annual report not later than the fifth legislative day of each regular session of the Legislature.

13117.5. There is in the State Treasury the Teacher Credentials Fund. All fees levied and collected by the commission shall be deposited in the Teacher Credentials Fund, and are hereby continuously appropriated to support the activities and functions of the commission.

It is the intent of the Legislature that fees levied for the issuance of teachers' credentials shall be sufficient to offset the cost of all activities of the Commission for Teacher Preparation and Licensing, including the Committee of Credentials and any services provided by the Department of Education.

13118. Fees shall be levied by the commission for the issuance and renewal of teaching and related credentials. The fees shall be set by the commission in such a manner that revenues sufficient to support all activities and functions, including continuing research and evaluation activities, shall be produced. In no case shall a fee exceed twenty dollars (\$20) without express legislative approval.

13119. Any fee or excess amount of fee paid under Section 13118 may be refunded by the commission from the Teacher Credentials Fund when the applicant does not qualify for a credential or when such fee or excess is paid in error, and the amount of any such refund is hereby appropriated for the making of such refund.

13119.1. The commission shall hold public hearings to receive testimony on the examination system established by this chapter, shall study the effects of such an examination system, and shall report its findings, conclusions, and recommendations to the Legislature by the 10th day of the 1972 Regular Session of the Legislature.

Article 3. Committee of Credentials

13120. The commission shall appoint a Committee of Credentials, consisting of seven persons for terms of two years. The committee shall include:

(a) Two members who shall be full-time certified classroom teachers in the public elementary schools, each with not less than 10 years' classroom experience.

(b) Two members who shall be full-time certified classroom teachers in the public secondary schools, each with not less than 10 years' classroom experience.

(c) One member who shall be a certified administrative employee in the public schools.

(d) One member who shall be a past or present member of the governing board of any school district.

(e) One member who shall be a representative of the public, to be a person with no previous experience as a certified employee in the public schools or as a member of any governing board of a school district or county board of education.

13120.1. Sections 13108, 13109, 13109.1, 13110, 13112, and 13113 are applicable to the Committee of Credentials.

13120.2. The Committee of Credentials shall be under the direct supervision of the commission.

13120.3. The commission may assign to the Committee of Credentials such administrative duties as it may see fit relating to the granting, issuance, suspension, and revocation of credentials and life diplomas, and it shall supervise the work of the committee and shall provide statements of policy relative to committee operation and procedures as it deems appropriate to do so.

13121. At least 30 days prior to any Committee of Credentials meeting or hearing at which the application or credential of a certified employee is to be considered, the committee shall notify the certified employee of the specific allegations of misconduct for which the application or credential may be denied, suspended, or revoked in ordinary and concise language setting forth the acts or omissions charged and the statutes or rules violated. Supplemental allegations of misconduct shall be sent to the certified employee 30 days prior to such meeting or hearing. The portions of the investigation of the original or supplemental allegations which constitute the basis for such allegations shall be open to inspection by such employee. The statement of the allegations shall inform such employee that such allegations, if they are true, are sufficient to cause his application or credential to be denied, suspended, or revoked.

The committee shall order the investigation of allegations of misconduct to be discontinued if a meeting or hearing on such allegations is not commenced within one year of the date of notification of the original allegations to such employee. An extension for one six-month period may be made by the chairman of the commission upon the submission to the committee of a statement of the cause or causes for such extension.

The decision of the committee shall be in writing and a copy of such decision shall be delivered to the certified employee personally or sent to him by registered mail within 30 days after the meeting or hearing together with specific information relative to any administrative hearing to which such employee is entitled.

13121.1. All meetings and hearings of the commission and Committee of Credentials to consider the suspension or revocation of credentials shall be executive and closed sessions with only commission members, committee members, staff members, the certified employee whose application or credential is in

issue, the counsel of such employee, and any material witnesses in attendance.

13121.2. When a hearing is held to deny, suspend, or revoke a credential, the proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein.

13122. Any applicant for the renewal certification document who is denied a renewal by the Committee of Credentials may request a reevaluation of his application by the commission.

13123. Any member of the commission, commission staff member, member or staff member of the Committee of Credentials, or Department of Education employee who releases or gives out information received at a commission or committee meeting or hearing or through the investigation of a certified employee without authorization of the commission or committee is guilty of a misdemeanor.

Article 4. Credential Types, Authorizations, and Requirements

13125. The commission shall issue only the following two types of credentials, with authorizations as hereinafter defined:

- (a) A teaching credential.
- (b) A services credential.

13125.1. The period for which a credential, as authorized under Section 13125, is valid shall be as follows:

- (a) For an internship credential: two years.
- (b) For a preliminary credential, pending completion of the fifth year of study: seven years.
- (c) For a life credential: the life of the holder.
- (d) For an emergency credential: one year or as the commission may determine.

13125.2. The commission shall establish standards and procedures for the initial issuance and renewal of credentials.

13125.3. The commission may issue an internship or a preliminary credential to an applicant, pending completion of any examination requirement by the applicant within the time limit, not to exceed one year, set by the commission.

13126. Emergency credentials may be issued in accordance with regulations adopted by the commission.

The terms, reasons, and justification for the issuance of such credentials shall be regularly reported to the Legislature, as well as their number, kind, and other pertinent information. Emergency credentials shall only be authorized when insufficient certified teachers are available.

An emergency credential may not be issued unless the holder has completed at least 90 semester units of college work.

With the exception of this chapter, any reference in any law or regulation to a "provisional credential" shall be deemed to mean an "emergency credential."

13127.1. No life credential shall be issued until all requirements for the credential have been met and the candidate has taught for two years in California public schools.

13128. Authorization for teaching credentials shall be of four basic kinds, as defined below:

(a) "Single subject instruction" means the practice of assignment of teachers and students to specified subject matter courses, as is commonly practiced in California high schools and most California junior high schools.

(b) "Multiple subject instruction" means the practice of assignment of teachers and students for multiple subject matter instruction, as is commonly practiced in California elementary schools and as is commonly practiced in early childhood education.

(c) "Specialist instruction" means any specialty requiring advanced preparation or special competence including but not limited to, reading specialist, mathematics specialist, specialist in special education, or early childhood education, and such other specialties as the commission may determine.

(d) "Designated subjects" means the practice of assignment of teachers and students to designated technical, trade, or vocational courses which courses may be part of a program of trade, technical, or vocational education.

13128.1. Governing boards may determine the authorization of a teaching assignment as defined in Section 13128. The commission may prepare appropriate forms and data collection instruments to monitor the implementation of this section, to routinely audit, sample, or otherwise verify conformity in assignment practices within the provisions of this chapter.

13129. A teacher who is authorized for single subject instruction may be assigned, with his consent, to teach any subject in his authorized fields at any grade level; preschool; kindergarten and grades 1 to 12, inclusive; or in classes organized primarily for adults, and similarly, a teacher authorized for multiple subject instruction may be assigned, with his consent, to teach in any self-contained classroom; preschool; kindergarten and grades 1 to 12, inclusive; or in classes organized primarily for adults; and similarly, a teacher authorized as a specialist teacher may be assigned, with his consent, to teach in his area of specialization at any grade level; preschool; kindergarten and grades 1 to 12, inclusive; or in classes organized primarily for adults.

13130. The minimum requirements for the teaching credential, except designated subjects, are:

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution.

(b) A fifth year of study to be completed within seven years of the first employment of the certified employee.

(c) An approved program of professional preparation.

(d) Passage of a subject matter examination or its waiver as specified in this chapter.

(e) Demonstration of a knowledge of the various methods of teaching reading, to a level deemed adequate by the commission, by successful completion of a program of study approved by the commission or passage of a commission-approved reading examination.

13132. The minimum requirements for the designated subjects teaching credential shall be successful passage of an approved designated subjects examination which shall be selected and interpreted by the commission, and either

(a) Adequate, successful, and recent experience in the technical skill, trade or vocation named on the credential with a minimum of five years experience; a program of personalized in-service training to provide professional preparation as approved by the commission; and possession of a high school diploma or the passage of an equivalency examination as designated by the commission; or

(b) Possession of a valid teaching credential.

This credential shall authorize the holder to teach in such subject or trade at such grade level approved by the commission and designated on the credential.

13133. Upon the recommendation of the governing board of a school district, the commission may issue an eminence credential to any person who has achieved eminence in a field of endeavor commonly taught or service practiced in the public schools of California. This credential shall authorize teaching or the performance of services in the public schools in the subject or subject area or service and at the level or levels approved by the commission as designated on the credential.

Each credential so issued shall be issued for a one-year period and may be renewed for one-year periods by the commission upon the request of the governing board of the school district. Upon three renewals the holder of an eminence credential shall be eligible for a life credential, which may be issued by the commission.

13134. With the approval of the commission, until June 30, 1975, a teacher licensed pursuant to the provisions of this article may be assigned, with his consent, to teach any single subject class in which he has 18 semester hours of coursework or nine semester hours of upper division or graduate coursework or a multiple subject class if he holds at least 60 semester hours equally distributed among the four areas of a diversified major set forth in Section 13157.4. A three-semester-unit variance in any of the required four areas may be allowed. The governing board of the school district by resolution shall provide specific authorization for such assignment. The authorization of the governing board shall remain valid for one year and may be renewed annually.

The governing board shall first submit a request for such authorization to the commission for its review and approval.

Appropriate forms for such requests shall be developed by the commission.

13135. The minimum requirements for specialist instruction credentials are:

- (a) A valid teaching credential; and
- (b) Such specialized and professional preparation as the commission may require and is required by other provisions of this code.

In adopting the necessary rules and regulations, the commission shall emphasize appropriate professional specialized preparation at both the undergraduate and postgraduate level; and supervised participation or student teaching, or equivalent experience in the public schools or institutions; or private schools or institutions of equivalent status.

Specialist instruction includes, but is not limited to, those specialties requiring advanced preparation or special competence, as enumerated:

- (a) Early childhood education,
- (b) Reading specialist,
- (c) Mathematics specialist, and
- (d) Specialists in special education, which may include teachers of the mentally retarded, educationally handicapped, physically retarded, and specialists in the teaching of pupils with speech and hearing disorders.

Preparation programs which result in concurrent issuance of a specialist credential and a teaching credential may be approved by the commission.

13136. The minimum requirements for the services credential with a specialization in pupil personnel services are either both (a) and (b), or (c):

(a) A baccalaureate degree or higher degree, except in professional education, from an approved institution; a fifth year of study to be completed within seven years of the first employment of the certified employee; and such specialized and professional preparation as the commission may require, including completion of a commission-approved program of supervised field experience which includes direct classroom contact, jointly sponsored by a school district and a college or university.

(b) Passage of an examination selected and interpreted by the commission, or its approved waiver, as set forth in Sections 13150 and 13158.

(c) Possession of a valid license, certificate, or registration, appropriate to the service to be rendered issued by the California agency authorized by law to license, certificate, or register persons to practice that service in California.

Preparation programs that result in concurrent issuance of a services credential with a specialization in pupil personnel services and a teaching credential may be approved by the commission.

The services credential with a specialization in pupil personnel services shall authorize the holder to perform, at all grade levels, the pupil personnel service approved by the commission as designated on the credential, which may include, but need not be limited to, counseling, psychological, child welfare and attendance services, and school social work.

13138. The requirement for the services credential with a specialization in health is possession of a valid license, certificate or registration, appropriate to the health service to be designated, issued by the California agency authorized by law to license, certificate, or register persons to practice that health service in California.

The services credential with a specialization in health shall authorize the holder to perform, at all grade levels, the health service approved by the commission as designated on the credential. Services as an audiometrist, occupational therapist, or physical therapist are not deemed health services within the meaning of this section.

The services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the individual holds a baccalaureate degree, or its equivalent, and has completed a fifth year of preparation.

13140. The commission may issue a services credential authorizing service as a librarian upon completion of specialized preparation as required by the commission.

The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the commission, a valid teaching credential, a fifth year or its equivalent in college or university education to be completed within seven years of the first employment under this credential, and such specialized and professional preparation as the commission may require.

13141. The minimum requirements for the services credential with a specialization in administrative services are all of the following:

(a) The possession of a valid teaching credential as specified in Section 13130.

(b) A minimum of three years of successful, full-time classroom teaching experience in the public schools, or in private schools of equivalent status.

(c) The passage of an examination selected and interpreted by the commission or its approved waiver as set forth in Sections 13150 and 13158.

The services credential with a specialization in administrative services shall authorize the holder to serve as a superintendent, associate superintendent, deputy superintendent, principal, assistant principal, supervisor, consultant, coordinator, or in an equivalent or intermediate level administration position.

13142. A local governing board may waive any credential requirement for the chief administrative officer of the school district under its jurisdiction. Any individual serving as the

chief administrative officer of a school district who does not hold a credential may be required by the local governing board to pursue a program of in-service training conducted pursuant to guidelines approved by the commission.

No individual serving as the chief administrative officer of a school district shall be subject to the provisions of the merit system specified in Article 5 (commencing with Section 13701) of Chapter 3 of this division or any other similar merit system.

13143. The designated subjects teaching credential with a specialization in vocational trade and technical teaching shall authorize the holder, who also meets the requirements for administrative service, to supervise and administer programs of trade and technical education in school districts or in schools where the curricula are predominately trade, technical, or industrial in nature.

13144. The commission may issue limited services credentials authorizing administrative service in schools which are not part of the public school system but which are administered by other state agencies.

13144.1. Notwithstanding any other provisions of this code, any credential described in Section 13125 shall be issued to an applicant under the following circumstances:

(a) The commission has accepted, upon application of an approved institution supported by detailed data and justification, a program developed and offered by that institution as an experimental, exploratory, or pilot program of preparation for such a credential. The commission shall accept only those programs which it finds, by resolution entered in its minutes, to have merit and the potential of improving the quality of service authorized by the credential.

(b) The applicant has completed such a program following the date of its acceptance by the commission.

(c) The applicant holds upon completion of the credential program a baccalaureate or higher degree from an approved institution.

(d) The applicant meets all of the requirements of this chapter and the regulations of the commission adopted pursuant thereto, respecting age, character, citizenship, health, identification, oath or affirmation, and study of or examination in the Constitution of the United States.

Article 5. Subject Matter Examinations

13145. The adequacy of subject matter preparation and the basis for assignment of certified personnel shall be determined by the successful passage of a subject matter examination as certified by the commission, except as specifically waived as set forth in Article 6 (commencing with Section 13157) of this chapter.

13146. The commission shall select, administer, and interpret subject matter examinations, which shall be a prerequisite for assignment to assure minimum levels of subject matter

knowledge by all certified personnel regardless of the pattern and place of preparation.

13147. Subject matter examinations authorizing single subject instruction shall be required for all subjects taught in California public schools, such subjects to be subsumed, as directed by the commission, under the following categories as: English, physical and natural science, mathematics, social science, industrial arts, physical education, business, music, art, home economics, and languages, including, but not limited to, French, Spanish, Russian, German, and Chinese.

A general subject matter examination authorizing teaching multiple subjects shall include an examination of the candidate's knowledge of the following areas: English, social science, fine arts, general science, and mathematics.

13148. The adequacy and relevancy of the categories established under Section 13147 shall be regularly assessed and reported to the Legislature and necessary and appropriate changes in legislation may be requested by the commission from time to time.

13149. Examinations authorizing advanced or specialist teaching service may be authorized by the commission. Such examinations shall conform to the guidelines established by this chapter.

13149.5. The reading requirement as set forth in Section 13130 may be satisfied by the completion of a commission-approved program of study, not to exceed four semester units or its equivalent, or passage of a commission-approved reading examination.

13150. The general subject matter examination defined in Section 13147 is the required examination for the services credential with a specialization in administrative services as set forth in Section 13141, and the services credential with a specialization in pupil personnel services as set forth in Section 13136, except that the examination requirement may be waived for holders of diversified degrees as set forth in Sections 13157.4 and 13158.

13151. The commission shall create subject matter advisory panels to advise in the selection, administration, and interpretation of examinations. The subject matter advisory panels shall consist of recognized leaders in the subject matter fields to be examined and shall be composed primarily of full-time public school classroom teachers, and full-time college or university classroom teachers.

Experts and authorities in the field of examination design, interpretation, and analysis may be included in the subject matter panels or may be separately employed by the commission.

Members of the examination panels shall serve without compensation, but may be reimbursed for actual and necessary expenses.

The approved examinations shall provide for flexibility and variety in patterns of subject matter preparation.

13152. The commission shall set passing scores with the objective of assuring an adequate level of subject matter preparation.

The examination shall report at least relative and absolute scores to facilitate comparison and interpretation, if practicable.

The individual candidate's score on any examination shall be a matter of record, but shall not be posted on the front of the credential or be made available to the public; the teaching or other credential shall identify by name those examinations successfully passed.

Nothing in this section shall be construed to prohibit research, evaluation, analysis, or interpretation of test scores so long as individual confidentiality is maintained.

13153. The commission, before the adoption of any examination, shall provide an opportunity to the public and teaching profession to present their viewpoints with respect thereto in open hearings.

13153.1. The approved examinations shall be instruments whose purpose is to measure achievement and shall be used solely to measure objective knowledge of subject matter.

13153.2. Insofar as is reasonable and practicable, the commission shall adopt examinations which are nationally administered on a regular basis.

13154. In selecting subject matter examinations, the commission shall consider the importance of timely and expeditious processing and the desirability and convenience of machine scoring.

13156. The commission may approve more than one examination with passing scores appropriate to each examination for any of the categories to be examined as required by this chapter.

13156.1. In the selection, adoption and interpretation of examinations, the commission shall analyze and account for any cultural, class, or social bias which may arbitrarily and unfairly work to the disadvantage of any group of examinees, and shall assess and report upon the extent to which, if any, the passing score may adversely affect any group of prospective or actual examinees due to social, cultural, or ethnic factors.

13156.2. The commission may collect various data, including the ethnic background of examinees, age, sex, the college or university attended, degrees held, teaching experience, and other factors which may pertain in the judgment of the commission, to examination performance.

13156.3. No limit may be placed on the number of times an examinee may take the approved examinations.

13156.4. Fees charged for the examinations shall be sufficient to furnish the full cost of the examination system, except as these funds may be augmented from designated appropriations by the Legislature from the Teacher Credentials Fund.

Article 6. Subject Matter Examination Waivers

13157. The commission shall waive the subject matter examination requirement for graduates of accredited public and private institutions of higher education who hold specified subject matter degrees.

Eligibility for an examination waiver can only be achieved when the subject matter of the degree is the same as one of the subject matter examination categories specified by the commission, and the degree has been conferred by an approved institution of higher learning.

The commission may require that the approved examination be taken by candidates, who are otherwise eligible for an examination waiver, for informational purposes only.

13157.1. The commission shall evaluate any subject matter degree offered in satisfaction of subdivision (d) of Section 13130 to determine if it is substantially the same as one of the subject matter categories covered by the examinations.

13157.2. A finding by the commission of the inadequacy or inappropriateness of such degree as the basis for waiving the subject matter examination shall cause the holders of such subject matter degree from such ineligible institutions to be ineligible for the examination waiver.

13157.3. The subject matter examination authorizing multiple subject classroom instruction may be waived for holders of approved "diversified" or "liberal arts" degrees, or their equivalent, conferred by accredited institutions of higher education approved by the commission.

Notwithstanding the designation of the degree conferred, the commission shall approve the degree granted by such institution and shall not engage in the detailed analysis of the applicant's transcripts for purposes of issuing the credential. The commission, however, may provide for the selected analysis of transcripts to determine whether the degrees granted by such institutions conform with the requirements of the commission.

13157.4. A "diversified" or "liberal arts" degree is any degree, or program included within a degree, conferred by an institution approved by the commission. It shall consist of 84 semester hours, or equivalent quarter units, equally distributed among the following four areas:

1. English, including grammar, literature, composition, and speech.
2. Mathematics and the physical or life sciences.
3. Social sciences, other than education and education methodology.
4. Humanities and the fine arts, including foreign languages.

In implementing the provisions of this section, the commission may provide for a three-semester-unit variance in any of the four areas required.

13157.5. Notwithstanding any provisions of law or administrative regulations, a California state college may approve a

"diversified" or a "liberal arts" degree, provided that all coursework used to meet such requirements is provided in the several academic schools or departments, other than the school or department of education or educational methodology, of the institution.

13158. The general subject matter knowledge examination defined in Section 13147 as required for the services credential with a specialization in administrative services and the services credential with a specialization in pupil personnel services may be waived by applicants who meet the "diversified" degree requirements as provided in Section 13157.4.

Article 7. Professional Preparation

13160. Professional preparation, including student teaching, shall be made available in the upper division course offerings at all California public institutions of higher learning. No more than nine semester units or equivalent units of professional education courses may be designated prerequisites for purposes of admission to student teaching, except that in the case of candidates who elect to satisfy the reading requirement as set forth in subdivision (e) of Section 13130 by an approved program of study rather than by an approved examination may be required to take 12 semester units, or the equivalent, as prerequisites to student teaching.

The commission, upon the request of an approved teacher preparation institution, may issue a document at no cost to the applicant or institution authorizing student teaching by the applicant.

13160.1. Student internship programs shall be joint projects of school districts and teacher preparation institutions, and such internship programs shall be submitted to the commission for approval. Approved internship programs shall be subject to periodic review by the commission.

Upon completion of an approved internship program, with district and teacher preparation institution certification, the commission shall approve the teacher intern.

13161. Notwithstanding any other provision of this code, the professional preparation requirements for a teaching credential may be met by certification by the Director of the Peace Corps of the United States that the applicant has satisfactorily completed not less than 18 months in a Peace Corps assignment in a foreign country, during which time 50 percent or more of his duties consisted of classroom teaching of resident children of the foreign country.

An applicant meeting the requirements of this section shall not be required to complete any education or methodology courses or meet any other requirement relating to professional preparation as set forth in subdivision (c) of Section 13130.

13162. Nothing in this chapter shall be construed as preventing school districts from hiring, employing, or otherwise using teacher aides, instructional aides, or teacher assistants

under the terms of existing law and financial support formulas. The commission may study the various roles of such para-professionals and routinely report its findings.

Public and private colleges, universities, and community colleges may develop cooperative programs with school districts or school governing boards to place undergraduate and graduate students in public and private classrooms as teacher aides or assistants. Such assignment may be, at the discretion of the institution, the basis for securing college credit.

Article 8. Certificates and Credentials

13163. Each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools. Such registration shall authorize the service of the holder as an employee of the county superintendent of schools or of any school district under his jurisdiction in the capacity in which and for the period of time for which the certification or other document is valid.

13163.1. County boards of education may renew any certificate legally issued by them prior to October 1, 1945, and now in force; provided, that no certificate granted upon a credential issued by the State Board of Education or commission for a limited period shall be renewed or extended unless the credential upon which it was issued has been renewed or extended, and then only for the period of the renewal or extension of the credential.

13163.2. Each county or city and county board of education may issue temporary certificates for the purpose of authorizing salary payments to certified employees whose credential applications are being processed or to personnel employed in children's centers or other preschool educational programs whose permit applications are being processed. The applicant for such a temporary certificate shall make a statement under oath that he has duly filed his application for a credential or permit together with the required fee and that to the best of his knowledge no reason exists why he should not be issued a certificate or permit. Such certificate or permit shall be valid for not more than 120 schooldays, and only until the credential or permit originally requested is either issued or denied by the commission.

13164. The standard for the exchange credential shall be as prescribed by the commission pursuant to Section 13271.

This credential shall authorize service in a position requiring certification qualifications as an exchange certified employee for performance of the services specified in the credential. Services for which a license is required by the Business and Professions Code may not be authorized unless the applicant holds such a license.

13165. Except as provided in this code, no certification document shall be granted to any person unless and until he has subscribed to the following oath or affirmation: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of California, and the laws of the United States and the State of California, and will promote respect for the flag and respect for law and order and allegiance to the government of the United States of America." The oath or affirmation shall be subscribed before any person authorized to administer oaths or before any member of the governing board of a school district or of any county board of education and filed with the commission or with the Board of Governors of the California Community Colleges, as the case may be. Any certificated person who is a citizen or subject of any country other than the United States, and who is employed in any capacity in any of the public schools of the state shall, before entering upon the discharge of his duties, subscribe to an oath to support the institutions and policies of the United States during the period of his sojourn within the state. Upon the violation of any of the terms of the oath or affirmation, the commission or the Board of Governors of the California Community Colleges, as the case may be, shall suspend or revoke the credential which has been issued.

13166. The issuance of any teaching credential requires (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a junior college, college, or university of recognized merit or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the commission as meeting undergraduate credit requirements for credentials issued by the commission or in any publicly supported junior college in the state. Public and private institutions in California may be authorized to attest to the individual's satisfaction of this requirement.

13168. When required by the commission or by the Board of Governors of the California Community Colleges, as the case may be, the application for a certification document or the renewal thereof shall be accompanied by a certificate in such form as shall be prescribed by the commission or by the Board of Governors of the California Community Colleges, from a physician and surgeon licensed under the provisions of the Business and Professions Code showing that the applicant is free from any contagious and communicable disease or other disabling disease or defect unfitting the applicant to instruct or associate with children.

13168.1. No person otherwise qualified shall be denied the right to receive credentials from the commission, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is totally

or partially blind; nor shall any school district refuse to engage a teacher on such grounds, provided, that such blind teacher is able to carry out the duties of the position for which he applies in the school district.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

13168.2. No person otherwise qualified shall be denied the right to receive credentials issued by the commission, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the ground he has physical deformities; provided, that such physical deformities do not constitute a health hazard to other persons with whom he may become associated.

13169. The commission, or the Board of Governors of the California Community Colleges, as the case may be, shall adopt, in addition to any other regulations authorized by law, regulations requiring every applicant for a credential, or for the renewal of a credential, to submit reasonable evidence of identification and good moral character.

13169.1. Each applicant for a credential, or for the renewal of a credential, shall submit with his application duplicate personal identification cards provided by the commission or by the Board of Governors of the California Community Colleges, as the case may be upon which shall appear the legible fingerprints and a personal description of the applicant.

The commission, or the Board of Governors of the California Community Colleges, as the case may be, is authorized to, and shall adopt such regulations as may in its judgment be necessary for the administration of this section.

13169.2. The commission, or the Board of Governors of the California Community Colleges, as the case may be, is authorized to secure information, records, reports, and other data relative to the identification or fitness of any applicant for a credential or for the renewal of a credential from any agency or department of the state and for that purpose, notwithstanding any other provision of the law, the State Bureau of Criminal Identification and Investigation shall furnish, upon application of the commission or by the Board of Governors of the California Community Colleges, all information pertaining to any applicant of whom there is a record in its office.

The commission or the Board of Governors of the California Community Colleges, as the case may be, upon written request of any private school authority, shall release to that private school authority information and other data relative to the identification or fitness of any applicant for a teaching position in the private school so long as not otherwise prohibited by any other privileged communication statute.

13170. Teachers, principals, supervisors, school librarians, superintendents and assistant superintendents, and other certified personnel who are presently employed in public schools in California and all those persons who are in preparation of becoming teachers, school librarians, or other certified personnel, shall not be adversely affected by this chapter. However, presently employed personnel and those in preparation shall be permitted to seek certification, initial or renewal, under the terms of this chapter.

13171. A credential which was issued prior to January 1, 1973, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the commission. The commission may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this chapter which is no less restrictive than the credential for which it was substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes services.

13171.1. The commission shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the commission in effect on December 31, 1971, to any person who, on November 1, 1971, has completed two years of college and on November 1, 1971, was either enrolled in a teacher education curriculum at any institution of higher learning approved by the commission, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this section after September 15, 1974. However, no person shall be denied the issuance of a prior credential if he holds a provisional credential on November 1, 1971, and is working toward meeting the requirements of that prior credential in accordance with commission regulations; nor shall any person who, on November 1, 1971, is working toward meeting the requirements of a prior credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1970, he was prevented from meeting the educational requirements of a prior credential.

13172. Any state, county, or city and county superintendent, or any state, county, or city and county board of education, who issues a credential, except as provided by law, is guilty of a misdemeanor.

13173. Each county or city and county board of education may provide for the registration of any valid certification or other document authorizing the holder thereof to serve in a position requiring certification qualifications as an employee of the county superintendent of schools of such county or city and county or of a school district under the jurisdiction of such county superintendent of schools.

13174. The commission may deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who:

(a) Lacks the qualifications which are prescribed by law or regulations adopted by the commission pursuant thereto.

(b) Is physically so disabled as to be rendered unfit to perform the duties authorized by the credential for which he applies.

(c) Is addicted to the use of intoxicating beverages to excess.

(d) Is addicted to the use of narcotics or habit-forming drugs.

(e) Has committed any act involving moral turpitude.

(f) Has had a certification document revoked.

(g) Has intentionally practiced or attempted to practice any material deception or fraud in his application.

(h) Fails or refuses to furnish reasonable evidence of identification or good moral character.

(i) Has been convicted of any offense defined in subdivision 1 of Section 314 of the Penal Code prior to September 7, 1955.

13175. The commission shall deny any application for the issuance of a credential or for the renewal of a credential made by any applicant who comes within any of the following classes:

(a) Has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state.

(b) Has been convicted of any sex offense as defined in Section 12912.

(c) Has been convicted of a narcotics offense as defined in Section 12912.5.

13176. The terms of credentials shall be as specified in this article.

13177. Except as otherwise specifically required in this chapter, the commission shall establish regulations pertaining to the expiration dates of initially issued and renewed credentials.

13178. Each credential issued by the commission shall clearly state the kind of service that it authorizes, the grades or classes, or the types of schools in which it authorizes service, and shall have such other content as the commission may prescribe or as may be prescribed by authority of the commission.

13179. Each credential issued shall contain its date of expiration and shall be issued on a form prescribed by the commission, and shall bear the signatures of the secretary and the chairman of the commission or their facsimile signatures.

13180. Whenever the date of expiration of any credential occurs while the person holding the credential is in the active military service of the United States of America or of the State of California, including active service in any uniformed auxiliary of, or to, any branch of such military service created

or authorized as such auxiliary by the Congress of the United States of America or by the Legislature of the State of California or in the service of the United States Merchant Marine, or in the full-time paid service of the American Red Cross, during any national emergency declared by the President of the United States of America, or during a war in which the United States of America is engaged, or within six months after such person honorably leaves such service or has been placed on inactive duty, the credential is hereby continued in force until six months after such person honorably leaves such service or has been placed on inactive duty.

The holder of a credential so extended shall be entitled to a renewal of the credential prior to its date of expiration as herein fixed, subject to provisions of this code relating to the renewal of credentials.

13181. Whenever satisfactory proof is presented to the commission by any person to whom the commission has granted a credential that has been lost or destroyed, the commission shall issue to him a new credential of the same kind, grade, character, and tenure as that lost or destroyed.

For issuance of the new credential the commission shall require a fee to cover the cost of replacement not to exceed the fee for issuance of an original credential pursuant to Section 13118. The revenues from the fee provided for in this section shall not be available for expenditure until appropriated.

13182. Satisfactory proof shall consist of an affidavit by the person, giving the kind of the credential, the date of issue, if possible, and the basis upon which it was issued, together with such other information as the issuing authority may require.

13183. Any oath required of an applicant for a credential may be administered by any of the persons enumerated in Section 61, by such employees of the Department of Education as the Superintendent of Public Instruction may designate, and by such employee of the commission or of the Board of Governors of the California Community Colleges as the commission or the board of governors may designate.

SEC. 4. Section 759 of the Education Code is amended to read:

759. All county superintendents of schools in counties within class one (1) shall possess a valid certification document authorizing administrative services.

SEC. 5. Section 760 of the Education Code is amended to read:

760. All county superintendents of schools in counties within class two (2) shall possess a valid certification document authorizing administrative services.

SEC. 6. Section 761 of the Education Code is amended to read:

761. All county superintendents of schools in counties within class three (3) shall possess a valid certification document authorizing administrative services.

SEC. 7. Section 762 of the Education Code is amended to read:

762. All county superintendents of schools within classes 4 to 8, inclusive, shall possess a valid certification document authorizing administrative services.

SEC. 8. Section 885.4 of the Education Code is amended to read:

885.4. The services described in Section 885.3 shall, except in advisory services in school business administration activities, clerical, accounting, and stenographic services, be performed by persons who hold a valid credential, or a life diploma based thereon, authorizing administrative services.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing any of the services described in Sections 885.3 and 885.4 may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 9. Section 886.3 of the Education Code is amended to read:

886.3. The services described in Sections 886, 886.1 and 886.2, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential, or a life diploma based thereon, authorizing administrative services.

Any person who is, and continuously since September 7, 1955, has been, employed in the office of a county superintendent of schools and is performing the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 10. Section 887.2 of the Education Code is amended to read:

887.2. The services described in Sections 887 and 887.1 shall be performed by persons who hold a valid credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing authorizing such service.

SEC. 11. Section 888.2 of the Education Code is amended to read:

888.2. The services described in Sections 888 and 888.1 shall be performed by persons who hold a valid credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing authorizing performance of the service.

SEC. 12. Section 889.3 of the Education Code is amended to read:

889.3. The services described in Sections 889, 889.1, and 889.2 shall be performed by persons who hold a valid health and development credential, or life diploma based thereon, or

a services credential with a specialization in health issued by the State Board of Education or Commission for Teacher Preparation and Licensing; provided, however, that a psychologist may be employed to perform psychological services or may perform psychological services under contract if he is the holder of a valid school psychologist credential issued by the State Board of Education.

SEC. 13. Section 890.2 of the Education Code is amended to read:

890.2. The services described in Sections 890 and 890.1 shall be performed by persons who hold a valid credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing authorizing performance of the service.

SEC. 14. Section 891 of the Education Code is amended to read:

891. (a) The county superintendent of schools may, with the approval of the board of supervisors and the county board of education, agree with the county librarian to take over all existing contracts for supplementary books and other material adopted for the course of study between the school districts and the county librarian entered into pursuant to the provisions of Sections 7201 to 7211, inclusive, of this code. Thereafter the county superintendent of schools shall generally perform such library services for the school districts as were theretofore performed by the county library.

(b) After the above agreement has been entered into, the governing board of any school district which had not yet joined the county library may enter into an agreement with the county superintendent of schools for the performance of supplementary book services for the school library upon such terms and conditions as are fixed in the contracts or agreements.

(c) Whenever the county superintendent of schools performs supplementary book services for the school library of any district, the provisions of Sections 7201 to 7211, inclusive, of this code, so far as applicable, shall control. The county superintendent shall employ a librarian holding a valid credential authorizing services as a librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing or having possession of a certificate showing completion of a year's work in an accredited library school. He shall also employ such assistants as may be necessary to carry on this service. The cost of the salaries of such librarian and assistants, and the other necessary expenses of maintenance of the library, including necessary supplies, equipment, and books, may be paid from the county school service fund.

SEC. 15. Section 891.1 of the Education Code is amended to read:

891.1. (a) The county superintendent of schools of any county in which no county library is maintained may, with the approval of the county board of education, establish and

maintain a county school library service for such elementary school districts of the county as elect to participate in such service.

(b) Upon the governing board of any elementary school district electing to participate in such service, the governing board of the district shall enter into an agreement with the county superintendent of schools, and the provisions of Sections 7201 to 7254, inclusive, of this code shall control and be applicable in the same manner as they apply to a school district which agrees to make the school library a branch of the county library.

(c) The county superintendent of schools shall have the same powers, duties, responsibilities, and jurisdiction with respect to the furnishing and performance of library services to elementary school districts which have elected to participate in the county school library service as may be exercised by a county library with respect to school district libraries which are branches thereof.

(d) Whenever the county superintendent of schools establishes and maintains a county school library service pursuant to subdivision (a) of this section, he shall employ a librarian holding a valid credential authorizing service as a school librarian issued by the State Board of Education or Commission for Teacher Preparation and Licensing or having possession of a certificate showing completion of a year's work in an accredited library school.

(e) The county superintendents of schools of two or more contiguous counties which have established county school library services under the provisions of this section may cooperate with each other and to that end may enter into agreements with each other, and may do any and all things necessary or convenient to aid and cooperate in carrying out the provisions of this section.

SEC. 16. Section 892.1 of the Education Code is amended to read:

892.1. The services described in Section 892, except clerical, accounting, and stenographic services, shall be performed by persons who hold a valid credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing of one or more of the types specified in Section 885.4.

Any person who is employed in the office of a county superintendent of schools on the effective date of this section and is performing any of the services described in this article may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed in his position.

SEC. 17. Section 5773 of the Education Code is amended to read:

5773. As used in this chapter:

(a) "Specialist teacher" shall mean a person holding a credential as a specialist teacher in reading, issued by the Com-

mission for Teacher Preparation and Licensing, and employed by a school district for the duties listed in Section 5787.

(b) "Average daily attendance" shall, except as otherwise specifically provided, mean average daily attendance during the preceding fiscal year.

SEC. 18. Section 5775 of the Education Code is amended to read:

5775. The governing board of any school district maintaining grades 1, 2, and 3 in elementary schools may, in writing, nominate to the Commission for Teacher Preparation and Licensing qualified certificated employees of the district for the position of specialist teacher. The nominations shall be based upon the observed performance of the teacher in instructing elementary school pupils to read, and the written nominations to the commission shall so attest.

Any certificated employee of a school district who has not been so nominated may, in writing, petition the commission to be appointed a specialist teacher. Thereupon, the commission shall appoint a panel of three persons, selected on the basis of criteria established by rules and regulations of the commission, who shall observe the performance of the employee in the classroom, and either nominate the employee for the position of specialist teacher or deny such nomination.

SEC. 19. Section 5777 of the Education Code is amended to read:

5777. The Commission for Teacher Preparation and Licensing shall designate a written examination to be administered by the Department of Education to each person nominated for the position of specialist teacher. The examination shall be one designed to test the knowledge of the nominee concerning the various approaches and techniques which have been determined by competent authority to be most effective in imparting reading instruction to young school pupils, and concerning the appropriate selection of various techniques to meet the requirements of different pupils. Such an examination shall be administered on a statewide basis at least once in each school year. For such purposes the commission may select an examination prepared by any competent public or private person, organization, or agency.

SEC. 20. Section 5799.19 of the Education Code is amended to read:

5799.19. The mathematics specialist program shall entail the designation of mathematics specialists to provide instruction in mathematics. The specialists designated for such purposes shall be well trained in mathematics and have an educational background of at least a collegiate major in one of the mathematical sciences. For purposes of the designation of mathematics specialists and their performance of duties under this article, any requirements prescribed or pursuant to law in terms of educational qualifications or background which would limit or bar the designation or the performance of the services shall be deemed inapplicable.

SEC. 21. Section 6757 of the Education Code is amended to read:

6757. The State Board of Education shall adopt rules and regulations which shall prescribe standards for special educational programs for educationally handicapped minors which shall include, but need not be limited to, enrollment limits, and curriculum content for each type of program authorized pursuant to this chapter, and provisions for periodic examination, reevaluation, transfer and discharge of educationally handicapped minors participating in special educational programs maintained under the provisions of this chapter.

The Commission for Teacher Preparation and Licensing shall adopt rules and regulations which prescribe standards for teacher qualifications for each type of program authorized pursuant to this chapter.

SEC. 22. Section 6812.5 of the Education Code is amended to read:

6812.5. Minors who are deaf, severely hard of hearing, or blind, as determined by the State Board of Education, and who are between the ages of 18 months and 3 years, may be enrolled in experimental programs conducted by a school district or county superintendent of schools. Experimental programs for such minors shall be approved in advance by the Superintendent of Public Instruction and shall be conducted in accordance with rules and regulations established by him. Instruction in such experimental programs shall be afforded by a teacher possessing full qualifications to teach deaf, severely hard-of-hearing, or blind pupils as prescribed by rules and regulations of the Commission for Teacher Preparation and Licensing.

Notwithstanding any provision of this code to the contrary, attendance of deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the school district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, computations of allowances and apportionments from the State School Fund for deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section shall be credited to the district or county superintendent of schools providing such instruction in the same manner as authorized for minors receiving special schooling pursuant to this chapter and Article 9 (commencing with Section 8901) of Chapter 6 of Division 7.

Notwithstanding any provision of this code to the contrary, physically handicapped minors as prescribed in Section 8955.2 shall include deaf and severely hard-of-hearing minors enrolled in experimental programs authorized by this section.

SEC. 23. Section 6908 of the Education Code is amended to read:

6908. Before any child is placed in a school or class for mentally retarded children, he shall be given a careful individual examination by a competent psychologist holding a credential for that purpose issued by the State Board of Education or Commission for Teacher Preparation and Licensing, or by a person serving under the supervision of such a psychologist and holding a credential for that purpose issued by the State Board of Education or commission, and a consultation with his parents or guardian held. A psychiatrist may be consulted in any specific case when the governing board of the district deems it necessary.

SEC. 24. Section 6933 of the Education Code is amended to read:

6933. The governing board of any school district, or the county superintendent of schools of any county, maintaining secondary schools may enter into contracts with the governing boards of other such school districts, or with a county superintendent of schools, and with any department or agency of the state to obtain or provide services and other assistance necessary in connection with providing effective rehabilitation services, to include but not limited to occupational training, mobility training, sheltered workshops and work-experience programs.

Any school district governing board, or the county superintendent of schools of any county, which enters into a contract with the State Department of Rehabilitation under this section may employ, or allow to be employed, in the school district or with a county superintendent of schools, employees of the State Department of Rehabilitation or other persons not employed by the department but certified by the department to be fully qualified for such employment. A certification to the Department of Education by the State Department of Rehabilitation that the individual meets all the requirements and fulfills all the qualifications of that department for the position for which he is being considered shall serve as evidence that the individual meets the academic, professional and experience requirements for a services credential with a specialization in pupil personnel services as a rehabilitation counselor or mobility instructor for the blind, in accordance with requirements adopted by the Commission for Teacher Preparation and Licensing, which the individual must obtain in order to render services in the public schools.

Notwithstanding any other provision of this code, when an individual is so certified by the State Department of Rehabilitation as qualified for employment, other teacher certification requirements required by this code or by Title V of the California Administrative Code shall be waived for that individual.

Sec. 25. Section 11753 of the Education Code is amended to read:

11753. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, audiologist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a services credential with a specialization in health or a valid credential issued prior to the operative date of the amendment to this section enacted at the 1970 Regular Session of the Legislature.

Any psychologist employed pursuant to Sections 11751 to 11754, inclusive, shall hold a school psychologist credential, a general pupil personnel services credential authorizing service as a school psychologist, a standard designated services credential with a specialization in pupil personnel services authorizing service as a psychologist, or services credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing.

The services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the individual holds a baccalaureate degree, or its equivalent, and has completed a fifth year of preparation.

No physician employed by a district to perform medical services pursuant to Section 13294, shall be required to hold a credential issued by the State Board of Education or commission, provided he meets the requirements of Section 13294.

Sec. 26. Section 11805 of the Education Code is amended to read:

11805. The governing board of any school district may enter into a contract with a mental health clinic or child guidance clinic for the furnishing to the district by the clinic of mental health services for the pupils of the district. The use of the words "mental health" and "mental health services" in this section does not express or imply legislative intent with regard to other health services. The terms and conditions governing the providing of such services shall be set forth in the contract. No payment shall be made by the district for services performed by persons who do not possess a credential issued by the State Board of Education or Commission for Teacher Preparation and Licensing covering such service, except as provided in Sections 13293 to 13300, inclusive. When the conditions of the contract have been fulfilled, the cost of services rendered pursuant to such contract may be paid from the funds of the district. The governing board of any city, county, or district which maintains a public mental health clinic or child guidance clinic or nonprofit health clinic is authorized to enter such an agreement.

Sec. 27. Section 11823 of the Education Code is amended to read:

11823. The governing board of any school district shall, subject to Section 11822, provide for the testing of the sight and hearing of each pupil enrolled in the schools of the district. The test shall be adequate in nature and shall be given only by duly qualified supervisors of health employed by the district, or by certificated employees of the district or of the county superintendent of schools who possess the qualifications prescribed by the Commission for Teacher Preparation and Licensing, or by contract with a duly authorized agency, or accredited schools or colleges of optometry, osteopathy, or medicine. The records of the tests shall serve as evidence of the need of the pupils for the educational facilities provided physically handicapped individuals. The equipment necessary to conduct the tests may be purchased or rented by governing boards of school districts. The state, any agency, or political subdivision thereof may sell or rent any such equipment owned by it to the governing board of any school district upon such terms as may be mutually agreeable.

SEC. 28. Section 12902 of the Education Code is amended to read:

12902. "Education position" or "position requiring certification qualifications" includes every type of service for which certification qualifications are established by or pursuant to Sections 12901 to 12913, inclusive, Section 13055, and Chapter 1.5 (commencing with Section 13101) of this division.

SEC. 29. Section 12903 of the Education Code is repealed.

SEC. 30. Section 12904 of the Education Code is amended to read:

12904. A "credential" is a document issued by the State Board of Education, Commission for Teacher Preparation and Licensing, or the Board of Governors of the California Community Colleges authorizing a person to engage in the service specified in the credential.

SEC. 31. Section 12911 of the Education Code is amended to read:

12911. A plea or verdict of guilty or a finding of guilt by a court in a trial without a jury is deemed to be a conviction within the meaning of Sections 13175, 13207, 13218, 13255, and 13586 of this code, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the withdrawal of the plea of guilty and entering a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusations or information. The record of such conviction of a sex offense as defined in Section 12912 or of a narcotics offense defined in Section 12912.5 shall be sufficient proof of conviction of a crime involving moral turpitude for the purposes of Sections 13313, 13327 and 13338, and Sections 13403 to 13441, inclusive, of this code, relating to the dismissal of permanent employees.

SEC. 32. Section 12912 of the Education Code is amended to read:

12912. "Sex offense" as used in Sections 13175, 13207, 13220.16, 13218, 13255, and 13586 means any one or more of the offenses listed below:

(a) Any offense defined in Sections 266, 267, 285, 286, 288, 288a, 647a, subdivision 3 or 4 of Section 261, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 if the offense defined in such sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961 if such offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to such date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any attempt to commit any of the above-mentioned offenses.

(h) Any offense committed or attempted in any other state which, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

SEC. 33. Section 12912.5 of the Education Code is amended to read:

12912.5. "Narcotics offense" as used in Sections 13175, 13207, 13220.16, 13218, 13255, and 13586 means any one or more of the following offenses:

(a) Any offense in Sections 11500 to 11503, both inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any attempt to commit any of the above-mentioned offenses.

SEC. 34. Section 13055 of the Education Code is amended to read:

13055. (a) Any person employed on or after July 1, 1963, by a school district, including a district having the merit system as outlined in Article 5 of Chapter 3 of this division, or by a county superintendent of schools, in a position in which 50 percent or more of his duties performed during the school year, whether performed in a particular school or district or countywide, consist of rendering service in directing, coordinating, supervising or administering any portion or all of the types of functions listed below in this section shall hold a valid teaching or service credential as appropriate, whichever is designated in regulations adopted by the Commission for Teacher Preparation and Licensing, authorizing the particular service.

The types of functions are:

(1) The work of instructors and the instructional program for pupils.

(2) Educational or vocational counseling, guidance and placement services.

(3) School extracurricular activities related to, and an outgrowth of, the instructional and guidance program of the school.

(4) Planning courses of study to be used in the public schools of the state.

(5) The selection, collection, preparation, classification or demonstration of instructional materials of any course of study for use in the development of the instructional program in the schools of the state.

(6) The examination, selection, in-service training, or assignment of teachers, principals or other certificated personnel involved in the instructional program.

(7) Research connected with the evaluation and efficiency of the instructional program.

(8) The school health program.

(9) Activities connected with the enforcement of the laws relating to compulsory education, coordination of child welfare activities involving the school and the home, and the school adjustment of pupils.

(10) The school library services.

(11) The preparation and distribution of instructional materials.

(12) The in-service training of certificated personnel.

(13) The interpretation and evaluation of the school instructional program.

(b) Any person who was employed by a district or by a county superintendent of schools before July 1, 1963, to perform any of the services designated by the Commission for Teacher Preparation and Licensing to require a supervision or administration credential, may continue to perform such services without possessing the credential otherwise required as long as he remains continuously employed to perform the same services in that county superintendent's office or in that district in which he was employed on that date, or is con-

tinuously employed to perform the same services in a district which results from a reorganization involving the same district.

SEC. 35. The heading of Chapter 2 (commencing with Section 13101) of Division 10 of the Education Code is amended to read:

**CHAPTER 2. PROVISIONS APPLYING TO
CERTIFIED EMPLOYEES**

SEC. 36. The heading of Article 1.4 (commencing with Section 13186.5) of Chapter 2 of Division 10 of the Education Code is amended and renumbered to read:

**Article 1. Interstate Agreement on Qualification
of Educational Personnel**

SEC. 37. Section 13186.5 of the Education Code is amended and renumbered to read:

13191. The Interstate Agreement on Qualification of Educational Personnel is hereby entered into with all jurisdictions joining therein, in the form as follows:

Article I

Purpose, Findings, and Policy

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower.

Article II

Definitions

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of his state, contracts pursuant to this agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

Article III

Interstate Educational Personnel Contracts

1. The designated state official of a party state may make one or more contracts on behalf of his state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article IV

Approved and Accepted Programs

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article V

Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article VI

Agreement Evaluation

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

Article VII

Other Arrangements

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article VIII

Effect and Withdrawal

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the Governor of the withdrawing state has given notice in writing of the withdrawal to the Governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article IX

Construction and Severability

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the Constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

SEC. 38. Section 13186.6 of the Education Code is amended and renumbered to read:

13192. The "designated state official" for this state shall be the Superintendent of Public Instruction. He shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific text thereof by the State Board of Education.

SEC. 39. The heading of Article 2 (commencing with Section 13201) of Chapter 2 of Division 10 of the Education Code is amended to read:

Article 2. Revocation and Suspension of
Credentials and Certificates

SEC. 40. Section 13201 of the Education Code is amended to read:

13201. Should any person employed by a school district in a position requiring certification qualifications refuse, without good cause, to fulfill a valid contract of employment with such district or leave the service of such district without the consent of the superintendent, if any, or the governing board, of such district except in the manner provided for by law, the Commission for Teacher Preparation and Licensing shall, after proof of such fact is made to it, suspend the credentials theretofore issued to him by the commission for not more than one year.

If the credentials issued to the person by the board or the commission have once been suspended pursuant to this section, the commission may, if such credentials again become subject to suspension under this section, suspend such credentials for not more than two years.

SEC. 41. Section 13202 of the Education Code is amended to read:

13202. The Commission for Teacher Preparation and Licensing shall revoke or suspend for immoral or unprofessional conduct, or for persistent defiance of, and refusal to obey, the laws regulating the duties of persons serving in the public school system, or for any cause which would have warranted the denial of an application for a credential or the renewal thereof, or for evident unfitness for service.

SEC. 42. Section 13203 of the Education Code is repealed.

SEC. 43. Section 13203.1 of the Education Code is repealed.

SEC. 44. Section 13204 of the Education Code is amended to read:

13204. Whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing is charged with immoral or unprofessional conduct or evident unfitness for service or persistent defiance of, and refusal to obey, the laws regulating the duties of his position, the commission in its discretion after notifying the person charged of its intention to do so, may require the county board of education of the county in which he is serving or has last served to give notice of, and conduct, a

hearing of the charges in the manner prescribed by law for the hearing of charges for the revocation or suspension of a certificate by a county board of education.

The county board of education, after the hearing, shall report to the commission its findings, and a summary of the evidence, and shall make a definite recommendation concerning the revocation or suspension of the credential.

Upon receipt of a copy of the findings, summary of evidence, and recommendation, the commission may suspend or revoke the credential for the causes stated, or order the charges dismissed.

SEC. 45. Section 13205 of the Education Code is amended to read:

13205. Whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing requests in writing that the credential held by him be revoked, the commission shall revoke such credential.

SEC. 46. Section 13206 of the Education Code is amended to read:

13206. Upon the becoming final of the conviction of the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing of a violation, or attempted violation, of any one or more of Penal Code Sections 187 to 191, 192 insofar as said section relates to voluntary manslaughter, 193, 194 to 232, both inclusive, 244, 245, 261 to 267, both inclusive, 273a, 273f, 273g, 276, 285 to 288a, both inclusive, 424, 425, 484 to 488, both inclusive, insofar as said sections relate to felony convictions, 503 and 504, or of Penal Code Section 272, the commission shall forthwith revoke the credential.

SEC. 47. Section 13207 of the Education Code is amended to read:

13207. Whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been convicted of any sex offense as defined in Section 12912 or narcotics offense as defined in Section 12912.5, the commission shall forthwith suspend the credential. If the conviction is reversed and the holder is acquitted of the offense in a new trial or the charges against him are dismissed, the commission shall forthwith terminate the suspension of the credential. When the conviction becomes final or when imposition of sentence is suspended, the commission shall forthwith revoke the credential.

SEC. 48. Section 13208 of the Education Code is amended to read:

13208. Whenever the holder of any credential issued by the State Board of Education or the Commission for Teacher Preparation and Licensing has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code or under similar provisions of

law of any other state, the commission shall forthwith suspend the credential. If the determination is reversed and the holder is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the commission shall forthwith terminate the suspension of the credential. When the determination becomes final, the commission shall forthwith revoke the credential.

SEC. 49. Section 13219 of the Education Code is amended to read:

13219. Whenever the holder of a certificate issued by a county board of education has been determined to be a sexual psychopath under the provisions of Article 1 (commencing with Section 6300), Chapter 2, Part 2, Division 6 of the Welfare and Institutions Code or under similar provisions of law of any other state, the county board of education shall forthwith suspend the certificate. If the determination is reversed and the holder is determined not to be a sexual psychopath in a new proceeding or the proceeding to determine whether he is a sexual psychopath is dismissed, the board shall forthwith terminate the suspension of the certificate. When the determination becomes final, the board shall forthwith revoke the certificate.

SEC. 50. Section 13220 of the Education Code is amended to read:

13220. An individual employed by a school district maintaining a junior college in grades 13 and 14 as an instructor, supervisor, administrator, librarian, counselor, or student personnel worker, shall be required to possess a credential or certification document specified in this article. The Board of Governors of the California Community Colleges may prescribe, by regulation, the standards as to equivalency and standards for professional, vocational training, or experience, or any combination thereof, wherever referred to in this article and such additional minimum standards as they deem appropriate for the administration and enforcement of this article.

SEC. 51. Section 13220.1 of the Education Code is amended to read:

13220.1. The minimum requirements for the junior college instructor credential shall be either (a) or (b) and (c), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field except professional education; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) Compliance with the provisions of Sections 13165, 13167, 13168, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

Sec. 52. Section 13220.4 of the Education Code is amended to read:

13220.4. The minimum requirements for the junior college supervisor credential shall be either (a) or (b), (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in any field; or

(b) Professional or vocational training or experience, or any combination thereof, established as adequate pursuant to regulations adopted by the Board of Governors of the California Community Colleges; and

(c) A combination of not less than two years of teaching or counseling, or both, library science, research, administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; and

(d) Compliance with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

Sec. 53. Section 13220.7 of the Education Code is amended to read:

13220.7. The minimum requirements for the junior college chief administrative officer credential shall be (a), either (b) or (c), and (d), as follows:

(a) Possession of a master's degree, or its equivalent, from any accredited institution, in any field; and

(b) A combination of not less than two years of teaching or counseling, or both, library science, research, and administrative experience in higher education, or its equivalent in postsecondary education, or its equivalent in training and development experience in other related fields; or

(c) Eminence in administration in higher education; and

(d) Compliance with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

Sec. 54. Section 13220.10 of the Education Code is amended to read:

13220.10. The minimum requirements for the junior college librarian, counselor, or student personnel worker credential shall be (a) and (b), as follows:

(a) Possession of a master's degree, or its equivalent, from an accredited institution, in a field related to library, counseling, or student personnel work, respectively; and

(b) Compliance with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

Sec. 55. Section 13220.13 of the Education Code is amended to read:

13220.13. Any credential issued pursuant to this article shall remain valid, for employment by the original employing junior college district or any other junior college district, until revoked or suspended pursuant to Sections 13121,

13121.1, and 13121.2 and Article 2 (commencing with Section 13201) of this chapter. With respect to the revocation or suspension of any credential issued pursuant to this article, whenever reference is made in Article 2 (commencing with Section 13201) of this chapter to the Commission for Teacher Preparation and Licensing, such reference shall be deemed to mean the Board of Governors of the California Community Colleges.

SEC. 56. Section 13220.18 of the Education Code is amended to read:

13220.18. (a) A provisional credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a provisional credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a provisional credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

Any issuance of a provisional credential shall comply with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

(b) A limited service credential may be issued to instructional personnel in accordance with the regulations adopted by the Board of Governors of the California Community Colleges.

The minimum standards for a limited service credential shall be prescribed by the board of governors.

The regulations adopted by the board of governors prescribing the minimum standards for a limited service credential shall give consideration to training and teaching experience in California schools and shall establish the term of renewal for such a credential.

A limited service credential shall be issued to persons teaching 40 percent or less of the number of hours considered as a full-time assignment for permanent employees having similar duties in the junior colleges of the district in which he is employed.

Any issuance of a limited service credential shall comply with the provisions of Sections 13165, 13167, 13169, 13169.1, and 13169.2 with respect to credentials authorized by this article.

SEC. 56.5. Section 13220.24 is added to the Education Code, to read:

13220.24. The Commission for Teacher Preparation and Licensing shall have no authority over or in relation to credentials or certification documents issued pursuant to this article.

SEC. 57. Section 13223 of the Education Code is amended to read:

13223. Any school district may, in cooperation with an approved college or university, establish a teacher education internship program as provided in Section 13160.1, and meeting the provisions of the statutes and of the regulations of the Commission for Teacher Preparation and Licensing.

SEC. 58. Section 13224 of the Education Code is amended to read:

13224. For admission to all teaching internship programs authorized by this article, an applicant shall have a baccalaureate or higher degree from an institution approved for credential purposes by the Commission for Teacher Preparation and Licensing at the time the degree was earned and shall pass a subject matter examination, as defined in subdivision (c) of Section 13103.

SEC. 59. Section 13225 of the Education Code is repealed.

SEC. 60. Section 13227 of the Education Code is repealed.

SEC. 61. Section 13228 of the Education Code is repealed.

SEC. 62. Section 13229 of the Education Code is amended to read:

13229. An internship credential shall be issued initially for a two-year period and may be renewed by the commission.

SEC. 63. Section 13230 of the Education Code is amended to read:

13230. Notwithstanding Section 13229, an internship credential may be renewed by the Commission for Teacher Preparation and Licensing if in its judgment an applicant is unable to complete renewal requirements because of illness or other circumstances judged to be extenuating and not within the control of the applicant.

SEC. 64. Section 13231 of the Education Code is repealed.

SEC. 65. Section 13239 of the Education Code is amended to read:

13239. An internship credential shall be valid only as long as the holder is in good standing in the teacher internship program of the district that makes the request, notwithstanding any provision of Section 13238, and the rights provided by Sections 13442 and 13443 shall not be afforded to interns.

SEC. 66. Section 13271 of the Education Code is amended to read:

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this state. Any certificated person so employed as provided in this

section shall be known as an "exchange certificated employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teaching, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

No person may be employed as an exchange employee by a school district in the state unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned, this period may be extended to two years. The commission may establish minimum standards for the credentials for exchange certificated employees.

SEC. 67. Section 13273.5 of the Education Code is amended to read:

13273.5. The governing board of a school district may, for the purposes of providing bilingual instruction and foreign language instruction in the schools of the district, subject to the rules and regulations of the State Board of Education and notwithstanding anything to the contrary in Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, conclude arrangements with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, for the hiring of bilingual teachers employed in public or private schools of any foreign country, state, territory, or possession. To be eligible for employment the teacher must speak English fluently. Any person so employed pursuant to this section shall be known as a "sojourn certificated employee."

No person may be hired as a sojourn certificated employee by a school district unless he holds the necessary valid credential or credentials issued by the Commission for Teacher Preparation and Licensing authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him. Such person may be employed only for a period not to exceed two years. The commission shall establish minimum standards for the credentials for sojourn certificated employees.

SEC. 68. Section 13286 of the Education Code is amended to read:

13286. The qualifications of a home teacher shall be a valid teaching credential issued by the State Board of Education, the Commission for Teacher Preparation and Licensing, or the Board of Governors of the California Community Colleges and special fitness to perform the duties of a home teacher.

SEC. 69. Section 13287 of the Education Code is amended to read:

13287. The qualifications of a home instructor of physically handicapped pupils shall be a valid teaching credential or a credential authorizing the teaching of exceptional children in an area of specialized preparation issued by the State Board of Education, the Commission for Teacher Preparation and Licensing, or the Board of Governors of the California Community Colleges.

SEC. 70. Section 13289 of the Education Code is amended to read:

13289. No person shall be employed as a librarian for more than two hours a day in any elementary or secondary school, unless he holds a valid credential of proper grade authorizing service as a librarian, or a valid teaching credential issued by the Commission for Teacher Preparation and Licensing or the Board of Governors of the California Community Colleges if he has completed the specialized area of librarianship.

SEC. 71. Section 13294 of the Education Code is amended to read:

13294. The qualifications for a physician shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners or Board of Osteopathic Examiners and a services credential with a specialization in health or a valid credential issued prior to the operative date of the amendment to this section enacted at the 1970 Regular Session of the Legislature. Any school district may employ and compensate physicians meeting the foregoing qualifications for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes, but is not limited to, any medical services required to be performed while required to be in attendance at high school or junior college athletic contests or meets.

SEC. 72. Section 13295 is added to the Education Code, to read:

13295. The qualifications for a psychologist or social worker are a valid certificate issued by the appropriate California agency authorized by law to certify such persons and a services credential with a specialization in health. Any school district may employ and compensate psychologists and social workers meeting the foregoing qualifications.

SEC. 73. Section 13296 of the Education Code is amended to read:

13296. The qualifications for a dentist are a valid certificate issued by the Board of Dental Examiners and a services cre-

dential with a specialization in health or a valid credential issued prior to the operative date of the amendment to this section enacted at the 1970 Regular Session of the Legislature. Any school district may employ and compensate dentists meeting the foregoing qualifications.

SEC. 74. Section 13296.1 of the Education Code is amended to read:

13296.1. The qualifications for a dental hygienist shall be a valid certificate issued by the Board of Dental Examiners of California and either a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

SEC. 75. Section 13297 of the Education Code is amended to read:

13297. The qualifications for a nurse shall be a valid certificate of registration issued by the Board of Nurse Examiners of the State of California or the California Board of Nursing Education and Nurse Registration and either a health and development credential, a standard designated services credential with a specialization in health, or a services credential with a specialization in health.

The services credential with a specialization in health authorizing service as a school nurse shall not authorize teaching services unless the individual holds a baccalaureate degree, or its equivalent, and has completed a fifth year of preparation.

SEC. 76. Section 13298 of the Education Code is amended to read:

13298. The qualifications for an optometrist are a valid certificate issued by the State Board of Optometry and a services credential with a specialization in health or a credential issued prior to the effective date of the amendment to this section enacted at the 1970 Regular Session of the Legislature. Any school district may employ and compensate optometrists meeting the foregoing qualifications.

SEC. 77. Section 13575.4 of the Education Code is amended to read:

13575.4. The exchange of teachers with a foreign country under the provisions of this article shall be conditioned upon the fact that the employing school district in California shall not be required to pay the salary of the teacher from the foreign country. Teachers employed by California school districts shall, while serving as teachers in a foreign country pursuant to this article, continue to receive from their employing school districts the full amounts of the regular salaries which would be payable to them if they were serving in the schools of the particular employing districts, and the district shall make all deductions provided by law for retirement purposes during such period.

The Department of Education may pay to the teachers from a foreign country employed by a school district in California

under this article, part or all of the difference between the salary being paid them by their respective foreign employers and the salary being paid by the California school district to the particular teachers with whom they are exchanged, as the department shall determine to be appropriate in each instance; except that no such payment to a foreign teacher shall exceed three thousand dollars (\$3,000) in one school year nor shall such payments be made to more than 500 teachers from foreign countries in any one fiscal year.

The Department of Education may pay the travel expenses of teachers in the exchange program but such payments shall not be made to more than 500 California teachers and 500 teachers from foreign countries in any one fiscal year. Such payments shall be for the actual expense involved in travel to and from the exchange assignments or for one thousand dollars (\$1,000), whichever is the lesser amount.

The Commission for Teacher Preparation and Licensing shall establish minimum standards for credentials for such exchange teachers from a foreign country and shall provide for the issuance of such credentials to such teachers.

SEC. 78. Section 13575.5 of the Education Code is amended to read:

13575.5. The Commission for Teacher Preparation and Licensing shall adopt rules and regulations providing for the recruitment of, and issuance of special credentials in the teaching of a foreign language to foreign-born persons or others having native fluency in a modern foreign language who are resident in the United States to teach foreign languages in the public schools of California. The issuance of special credentials in the teaching of foreign languages pursuant to this section shall be limited to 500 persons a year. The commission shall prescribe the minimum standards for such special credentials and shall provide for the renewal of such credentials. In issuing the credentials to any applicant the commission shall take into consideration fluency in the language to be taught, academic preparation, previous teaching experience, a knowledge of modern methods of foreign language instruction and a knowledge of peoples of other countries and their environment. No person shall be issued a special credential under this section unless he is a citizen as defined in Section 1940 of the Labor Code, or has declared his intention to become a citizen in the manner prescribed in subdivision (a) of Section 1944 of the Labor Code. The commission shall adopt rules and regulations which require the holder of a special credential issued under this section to undertake, within a reasonable time, a course of study which will enable the holder to become eligible for a standard teaching credential.

SEC. 79. Section 13575.6 of the Education Code is amended to read:

13575.6. The Department of Education may contract with universities and colleges in this state approved by the Commission for Teacher Preparation and Licensing as a teacher

education institution for furnishing refresher courses in which applicants for a special credential in the teaching of a foreign language issued under Section 13575.5 who have not had previous recent teaching experience may secure instruction in the teaching of a foreign language that will enable them to meet the standards prescribed by the commission.

Instruction in the teaching of foreign language pursuant to the provisions of this section shall be limited to 500 persons a year.

The Department of Education may pay to each person enrolled in such a refresher course a stipend of seventy-five dollars (\$75) a week for a total of six weeks or a stipend paid in some other manner but the total amount paid to an individual shall not exceed four hundred fifty dollars (\$450).

SEC. 80. Section 13944 of the Education Code is amended to read:

13944. All other employees in the public schools of this state who hold valid and unrevoked credentials issued by the State Board of Education, the Board of Governors of the California Community Colleges, or the Commission for Teacher Preparation and Licensing, and who are employed for at least 50 percent of each school month in work authorized by their credentials, are members of the system.

SEC. 81. Section 13948 of the Education Code is amended to read:

13948. Persons who are members on account of previous school employments as provided by this chapter and who are employed by the state to render service of an educational nature in the State Department of Education, or the Commission for Teacher Preparation and Licensing, or as Superintendent of Public Instruction, or as a deputy or associate superintendent of public instruction, are members of the system, unless they elect by a writing filed in the office of the board within 90 days after such employment not to be a member.

SEC. 82. Section 13968 of the Education Code is amended to read:

13968. Persons not already members who are employed for less than full time in positions requiring health and development credentials, a standard credential in designated services for health, or a designated services credential with a specialization in health are excluded from membership in the system.

The provisions of this section shall not apply to nurses employed in schools for at least 50 percent of a pay period.

SEC. 83. Section 16625 of the Education Code is amended to read:

16625. The said governing board shall employ in a children's center only such persons who hold permits issued by the Commission for Teacher Preparation and Licensing. Any person holding a teaching credential issued by the State Board of Education or commission is deemed to hold a regular chil-

dren's center permit that will authorize supervision and instruction of children or supervision of a children's program. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and instruction of children or supervision of a program. Each person employed by the governing board of a school district for a position requiring a permit shall, not later than 95 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid permit issued on or before such date, authorizing him to serve in the position for which he was employed, and must, not later than 95 days after the renewal thereof, file the renewed permit in the same manner.

SEC. 84. Section 16625.2 of the Education Code is amended to read:

16625.2. Children's center permits issued to persons employed in positions pertaining to the supervision and instruction of children or supervision of a children's center program may consist of two types, regular and provisional. Requirements for each type of permit shall be prescribed by the Commission for Teacher Preparation and Licensing.

SEC. 85. Section 16645.15 of the Education Code is amended to read:

16645.15. The governing board shall employ in a development center only such persons who hold credentials issued by the State Board of Education or Commission for Teacher Preparation and Licensing or permits issued by the commission. The filing with the county superintendent of schools of a regulation of a governing board or a public health agency requiring a physical examination of persons employed in development centers shall be deemed to be the issuance of a valid permit except for persons employed in positions pertaining to the supervision and training of children or supervision of a development center program. Each person employed by the governing board of a school district for a position requiring a credential or permit shall, not later than 60 days after the date fixed by the governing board of the district for the commencement of his service, file with the county superintendent of schools a valid credential or permit issued on or before said date, authorizing him to serve in the position for which he was employed, and must, not later than 60 days after the renewal thereof, file the renewed credential or permit in the same manner. A school district or a county superintendent of schools maintaining one or more development centers shall designate one person in each center to serve as a supervising head teacher. Such supervising head teacher shall hold a valid credential to teach exceptional children.

SEC. 85.5. Section 18252 of the Education Code is amended to read:

18252. No allowance shall be made under this article (commencing at Section 18251) for the instruction of pupils in automobile driver training unless the school district, the county superintendent of schools, the California Youth Authority, and the State Department of Education has complied with the rules and regulations of the State Board of Education governing the establishment, conduct, and scope of automobile driver education and driver training, except that such rules and regulations shall not relate in any way to teacher certification or licensing.

SEC. 86. Section 18252.1 of the Education Code is amended to read:

18252.1. In applying for state reimbursement for driver training expenses incurred in the school year 1968-69 and thereafter, school districts, county superintendents of schools, the California Youth Authority, and the State Department of Education shall certify to having met the requirements set forth in this article and, in addition, shall certify that all teachers used in the driver education or driver training programs are qualified instructors therein, except that such certification shall not relate in any way to teacher certification or licensing.

SEC. 87. Section 18252.2 of the Education Code is amended to read:

18252.2. A qualified instructor is one who has passed an approved driver's instruction examination and holds a designated subjects credential or who holds a valid prior credential authorizing instruction in automobile driver education and driver training.

The Department of Motor Vehicles shall notify the school district maintaining a high school or high schools, the county superintendent of schools or the California Youth Authority as the case may be, and the State Department of Education in any instance, immediately upon suspension or revocation of a driver instruction teacher's driver's license. The Department of Education and the Department of Motor Vehicles shall jointly determine the details regarding procedures for notification. No reimbursements shall be provided to a school district, a county superintendent of schools, the California Youth Authority, or the State Department of Education for students taught by an instructor while his driver's license is suspended or revoked following notification to the school district, the county superintendent of schools, the California Youth Authority, or the State Department of Education, as the case may be, of such suspension or revocation.

SEC. 88. Section 23058 of the Education Code is amended to read:

23058. Any person holding a valid credential authorizing service in the public schools of this state who is employed by a school district in a full-time position requiring certification qualifications for the school year in which the person enrolls in the University of California shall be deemed to be a resi-

dent student of the University of California for the purposes of admission fees and rates of tuition if any of the following apply to the person:

(a) He holds a preliminary credential and enrolls at the University of California in courses necessary to obtain another type of credential authorizing service in the public schools.

(b) He holds a credential of the types designated in Section 13125 and enrolls at the University of California in courses necessary to fulfill postponed credential requirements.

(c) He enrolls at the University of California in courses necessary to fulfill the requirements for a fifth year of college or university education prescribed by subdivision (b) of Section 13130.

SEC. 89. Section 23758.3 of the Education Code is amended to read:

23758.3. Any person holding a valid credential authorizing service in the public schools of this state who is employed by a school district in a full-time position requiring certification qualifications for the school year in which the person enrolls in a state college shall be deemed to be a resident student of the state college for the paying purposes of admission fees and rates of tuition if any of the following apply to the person:

(a) He holds a provisional credential and enrolls at the state college in courses necessary to obtain another type of credential authorizing service in the public schools.

(b) He holds a credential of the types designated in Section 13125 and enrolls at the state college in courses necessary to fulfill postponed credential requirements.

(c) He enrolls at the state college in courses necessary to fulfill the requirements for a fifth year of college or university education prescribed by subdivision (b) of Section 13130.

SEC. 90. Section 25423.5 of the Education Code is amended to read:

25423.5. The governing board of a district maintaining a junior college may employ as a junior college teacher of an academic subject matter area or areas a person who does not hold a credential issued by the Board of Governors of the California Community Colleges authorizing such service if the person has been granted a master's degree or a doctor's degree in the academic subject matter area for which he is employed to teach. No such person shall teach classes in grades below grades 13 and 14 in any junior college. No such person shall be employed for an aggregate period which is greater than three school years unless he fulfills the requirement of Section 13166.

No person shall be employed pursuant to this section until he has complied with the prerequisites to issuance of a certification document prescribed by Sections 13165, 13167, 13168, 13169, and 13169.1, and no person shall be so employed who has been determined to come within any of the provisions of Section 13174 or Section 13175. The board of governors

shall make necessary provision for enforcing compliance with the preceding sentence.

The governing board of each school district maintaining a junior college shall, in the manner and form prescribed by the board of governors, promptly after the close of each school year file with the Department of Education a report identifying each person employed pursuant to this section during the preceding school year and certifying that all applicable laws, rules, and regulations were complied with in his employment. The Department of Education shall compile and maintain a roster of the individuals employed under this section, to be utilized in administering the provisions of this section.

Any person employed pursuant to this section shall be deemed to be a certificated employee in a position requiring certification qualifications for all purposes.

For the purposes of this section "academic subject matter area" refers exclusively to the natural sciences, the social sciences (other than education and educational methodology), the humanities, mathematics, and the fine arts. The board of governors may consider a given subject matter major, whatever its title, to be an academic subject matter major if it finds that at the specific institution the required courses and the content of such courses within the major are equivalent to those of an academic subject matter major.

SEC. 91. Section 29007 of the Education Code is amended to read:

29007. Except as otherwise provided by law, no person, firm, association, partnership or corporation may issue, confer or award an academic or honorary "degree" or "title" (meaning any designation, mark, appellation, series of letters or words such as, but not limited to, associate, bachelor, master, doctor or fellow) which signifies, purports or is generally taken to signify satisfactory completion of the requirements of an academic or professional program of study beyond the secondary school level unless such person, firm, association, partnership or corporation meets the requirements of any one of the three subdivisions of subdivision (a) of this section.

No person, firm, association, partnership or corporation may issue, confer, or award any "diploma" bearing the words diploma, certificate, transcript, document, or other writing, other than the awarding of a "degree" title, representing that any person has completed any course of study beyond high school unless such person, firm, association, partnership or corporation meets the requirements of either subdivision (b), (c), (d), (e), or (f) of this section.

(a) (1) A person, firm, association, partnership or corporation which at the time of the issuance of a "degree" has accreditation of the course upon which the "degree" is based by a national accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education, or is accredited by the applicable regional accrediting agency recognized by the United States Department of Health,

Education, and Welfare, Office of Education, and provided further that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the president of the institution stating that the institution is so accredited.

(2) A person, firm, association, partnership or corporation approved by the Superintendent of Public Instruction to award or issue specified degrees. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction. Application for such authorization shall be on forms furnished by the State Department of Education. The Superintendent of Public Instruction shall not approve an institution to issue degrees until it is determined, based on information submitted to him, that the course of instruction has the facilities and the faculty to afford students and require of students the completion of a program of education which will prepare them for the attainment of a recognized professional, vocational, or educational objective; and the curriculum is consistent in content and quality with curricula offered by established institutions that issue the appropriate degree upon the satisfactory completion thereof. For the purpose of this subdivision the Superintendent of Public Instruction may compare with the requirements and standards of an accrediting agency generally accepted by the class of institution concerned. This shall include the determination that the course for which the degree is granted achieves its professed or claimed objective for higher education. The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this subdivision.

(3) A corporation which has filed with the Superintendent of Public Instruction an affidavit by the president or other head of the corporation, stating that the corporation owns an interest in real or personal property or both real and personal property used exclusively for the purpose of education, of a fair market value of not less than fifty thousand dollars (\$50,000). Such affidavit shall be accompanied by an appraisal by a state inheritance tax appraiser appointed for the county in which the institution is located, describing the real or personal property or both, and showing the value of the interest of the corporation therein to be at least fifty thousand dollars (\$50,000). The value of the interest of the property required to be owned by the corporation for the purposes of this section shall be deemed to be the appraised value of the interest owned by the corporation less the unpaid balance on any note secured by a mortgage or deed of trust thereon or the unpaid balance on a contract of sale thereof. Filing pursuant to this section shall not be interpreted to mean, and it shall be unlawful for any corporation to expressly or impliedly represent by any means whatsoever, that the State of California, the Superin-

tendent of Public Instruction, the State Board of Education, the California State Department of Education, or any division or bureau thereof, has made any evaluation, recognition, accreditation, approval, or endorsement of the course of study.

(b) A hospital licensed under the provisions of Division 2, Chapter 2 (commencing with Section 1400) of the Health and Safety Code, which issues diplomas in connection with the operation of a hospital.

(c) A person, firm, association, partnership or corporation which is accredited, approved, or licensed by a state board or agency as a school and which issues or confers diplomas in the profession, vocation or occupation controlled by the board or agency accrediting, approving, or licensing it; provided, that this subdivision shall not be construed as authorizing the issuing of a diploma which is not customarily granted for the training given and which is limited to the profession, vocation or occupation controlled by the accrediting, approving, or licensing board.

(d) Any educational institution approved for teacher training by the Commission for Teacher Preparation and Licensing for credentials in the field of teacher training; provided, that this subdivision shall not be construed as authorizing the issuance of a diploma which is not based exclusively on the courses of instruction approved by the commission.

(e) A person, firm, association, partnership, or corporation which at the time of the issuance of a "diploma," as "diploma" is defined in Section 29001, has accreditation of the specific course of study upon which the "diploma" is based by a national or applicable regional accrediting agency recognized by the United States Department of Health, Education, and Welfare, Office of Education; provided, that the educational institution has filed with the Superintendent of Public Instruction an affidavit by the administrative head of the institution stating that the course of study is so accredited.

(f) A person, firm, association, partnership or corporation authorized by the Superintendent of Public Instruction to issue specified diplomas. Such permission shall be granted upon a year-to-year basis by the Superintendent of Public Instruction upon the submission of information to him that the courses of instruction and the faculty or requirements of such applicant will afford students or require of students a course of education comparable to that being furnished by persons, firms, associations, partnerships and corporations offering similar instruction and complying with other subdivisions hereof. For the purpose of this subdivision, the Superintendent of Public Instruction may rely on the findings of an accrediting or approving agency generally accepted by the class of institution concerned and shall consider the results of the examination taken pursuant to Section 2941.5 of the Business and Professions Code, by students of any applicant. The provisions of Chapter 5 (commencing with Section 11500) of Part

1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the superintendent made pursuant to this subdivision.

SEC. 92. Sections 13104 to 13117.1, inclusive, and Section 13142, of the Education Code, as added by this act, shall become operative on the effective date of this act.

SEC. 93. Except for the provisions specified in Section 92, this act shall become operative on January 1, 1973, or at such earlier date as the Commission for Teacher Preparation and Licensing may determine.

Upon adequate public notice, the commission may declare all or selected provisions of the Teacher Preparation and Licensing Law of 1970 to be in effect prior to January 1, 1973. Particularly, the commission may adopt the subject matter examinations required by Section 13147 (as added to the Education Code by this act) at different times and so examinations in some subjects may be selected and required before the examinations in all subjects have been selected.

The commission is specifically charged with the responsibility to take the necessary administrative steps to provide for an orderly, efficient and expeditious transition of powers, duties, and regulations.

CHAPTER 558

An act to add Section 326.5 to the Fish and Game Code, relating to deer hunts.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 326.5 is added to the Fish and Game Code, to read:

326.5. The department shall immediately notify the board of supervisors of a county when a request for an antlerless deer hunt pursuant to Sections 325 and 4188 is received. The board of supervisors shall within 30 days after the receipt of such notice indicate to the commission its recommendation regarding such hunt.

The commission may, at its option, proceed with the public hearings on the proposed antlerless deer hunt or refuse to hold such hearings or such hunt.

This section applies only to the Boards of Supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Del Norte, Humboldt, Lake, Mendocino, and Tehama Counties.

SEC. 3. This act shall be operative only until December 30, 1972, and shall have no force or effect after that date.

CHAPTER 559

*An act to amend Section 18602 of the Elections Code,
relating to elections.*

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18602 of the Elections Code is amended to read:

18602. The declaration required by Section 18601 shall be filed no later than the eighth day prior to the election to which it applies. It shall be filed with the clerks, registrar of voters, or district secretary responsible for the conduct of the election in which the candidate desires to have write-in votes of his name counted.

CHAPTER 560

*An act to amend Section 5771 of the Education Code, relating
to special elementary school reading instruction program.*

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5771 of the Education Code is amended to read:

5771. It is the intent and purpose of the Legislature that the elementary school reading instruction program provided for by this chapter shall be directed to the prevention of reading disabilities, and the correction of reading disabilities at the earliest possible time in the educational career of the pupil. The instruction program shall be provided in grades 1, 2, and 3 in the elementary schools. The instruction program may be provided in kindergarten if the governing board of a school district, by resolution, acts to make the program so applicable. With respect to any district in which the instructional program has been made applicable to kindergarten, the units of average daily attendance in kindergarten shall in no manner be utilized in the computation of the basic quota of specialist reading teachers, computation of allowances for specialist reading teachers, establishment of a system of priorities, or computation for the salary allotment for professional school librarians, nor shall any kindergarten teacher be eligible to apply for a scholarship grant for teachers of reading. It is the intent of the Legislature that the applicability of the instructional program to kindergarten shall in no manner affect the school districts'

entitlements for the program authorized by this chapter or shall in no manner affect the statewide priorities established with respect to the program authorized by this chapter.

It is the further intent of the Legislature that the reading program in the public schools be of high quality, and that the program be designed to permit early development of reading skills, and the early correction of reading disabilities. The Legislature recognizes that early development of reading ability enhances the opportunity of each pupil for success in school and for success in a career upon leaving school. The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means to employ teachers trained in the teaching of reading, to provide incentives to encourage such training, and to stimulate the establishment and maintenance of school libraries. To carry out its intent and purpose, the Legislature has enacted this chapter to provide salary payments for specialist teachers in reading, scholarships to encourage the development of skills in the teaching of reading, and salary payments for the employment of professional librarians in school districts. It is also the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts and to the schools in such districts where the need for reading instruction is greatest and the financial ability of the district to provide it is least. This program is voluntary and any school district may participate or may decline to participate. If a district participates, it shall participate fully with respect to those schools in the district in which the program is established.

SEC. 2. Section 1 of this act shall become operative on July 1, 1971.

CHAPTER 561

An act to amend Section 5 of Chapter 170 of the Statutes of 1967 and Section 4 of Chapter 1026 of the Statutes of 1968, relating to cotton pests abatement.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of Chapter 170 of the Statutes of 1967 is amended to read:

Sec. 5. This act shall be operative until February 1, 1975.

SEC. 2. Section 4 of Chapter 1026 of the Statutes of 1968 is amended to read:

Sec. 4. This act shall remain in effect until February 1, 1975, and shall have no force or effect after that date.

CHAPTER 562

An act to amend Section 1320 of the Penal Code, relating to bail.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1320 of the Penal Code is amended to read:

1320. Whenever a person is detained in custody on a criminal charge prior to conviction for want of bail, such person is entitled to an automatic review of the order fixing the amount of his bail by the judge or magistrate having jurisdiction of the offense. Such review shall be held not later than five days from the time of the original order fixing the amount of his bail on the original accusatory pleading. The defendant may waive such review.

CHAPTER 563

An act to amend Section 386 of the Code of Civil Procedure, relating to interpleader.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 386 of the Code of Civil Procedure is amended to read:

386. A defendant, against whom an action is pending upon a contract, or for specific personal property, may, at any time before answer, upon affidavit that a person not a party to the action makes against him, and without any collusion with him, a demand upon such contract, or for such property, upon notice to such person and the adverse party, apply to the court for an order to substitute such person in his place, and discharge him from liability to either party, on his depositing in court the amount claimed on the contract, or delivering the property or its value to such person as the court may direct; and the court may, in its discretion, make the order; or such defendant may file a verified cross complaint in interpleader, admitting that he has no interest in such amount or such property claimed, or in a portion of such amount or such property and alleging that all or such portion of the amount or property is demanded by parties to such action or cross action and apply to the court upon notice to such parties for an order to deliver such property or portion thereof or its value to such person as the court shall direct. And whenever conflicting claims are or may be made upon a person for or relating to personal property, or the performance of an obligation, or any portion

thereof, such person may bring an action against the conflicting claimants to compel them to interplead and litigate their several claims. The order of substitution may be made and the action of interpleader may be maintained, and the applicant or interpleading party be discharged from liability to all or any of the conflicting claimants, although their titles or claims have not a common origin, or are not identical but are adverse to and independent of one another. The amount which plaintiff or cross complainant admits to be payable under a contract may be deposited by him with the clerk of the court at the time of the filing of the complaint or cross complaint in interpleader without first obtaining order of the court therefor.

A defendant named in a complaint to compel conflicting claimants to interplead and litigate their claims, or a defendant named in a cross complaint in interpleader, may, in lieu of or in addition to any other pleading, file an answer to the complaint or cross complaint which shall be served upon all other parties to the action and which shall contain allegations of fact as to his ownership of or other interest in the amount or property and any affirmative defenses and the relief requested. The allegations in such answer shall be deemed denied by all other parties to the action, unless otherwise admitted in the pleadings.

Any interest on amounts deposited and any right to damages for detention of property so delivered, or its value, shall cease to accrue after the date of such deposit or delivery.

Except in cases where by the law a right to a jury trial is now given, conflicting claims to funds or property or the value thereof so deposited or delivered shall be deemed issues triable by the court, and such issues may be first tried. In the event the amount deposited shall be less than the amount claimed to be due by one or more of the conflicting claimants thereto, or in the event the property or the value thereof delivered is less than all of the property or the value thereof claimed by one or more of such conflicting claimants, any issues of fact involved in determining whether there is a deficiency in such deposit or delivery shall be tried by the court or a jury as provided in Title 8 (commencing with Section 577) of Part 2 of this code.

CHAPTER 564

An act to repeal Article 1 (commencing with Section 18600) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code, relating to programs for the blind.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 18600) of Chapter 9 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

CHAPTER 565

An act to amend Section 6702 of the Government Code, relating to the closing of city offices.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6702 of the Government Code is amended to read:

6702. Every Saturday from noon to midnight is a holiday as regards the transaction of business in the public offices of the state and political divisions where laws, ordinances, or charters provide that public offices shall be closed on holidays. This section shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument during such period. Public offices of a city shall be closed on those holidays enumerated in Section 6700 unless otherwise provided by charter, ordinance or resolution.

CHAPTER 566

An act to amend Section 5355 of, and to add Section 5352.2 to, the Welfare and Institutions Code, relating to qualification of public guardian.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5352.2 is added to the Welfare and Institutions Code, to read:

5352.2. Where the duly designated officer providing conservatorship investigation is a public guardian, his official oath and bond as public guardian are in lieu of any other bond or oath on the grant of temporary letters of conservatorship to him.

SEC. 2. Section 5355 of the Welfare and Institutions Code is amended to read:

5355. If the conservatorship investigation results in a recommendation for conservatorship, the recommendation shall designate the most suitable person or state or local agency or county officer or employee designated by the county to serve as conservator. No person, nor agency, shall be designated as conservator whose interests, activities, obligations or responsibilities are such as to compromise his or their ability to represent and safeguard the interests of the conservatee. Nothing in this section shall be construed to prevent the Department of Mental Hygiene from serving as guardian pursuant to Section 7284.

When a public guardian is appointed conservator, his official bond and oath as public guardian are in lieu of the conservator's bond and oath on the grant of letters of conservatorship. No bond shall be required of any other public officer or employee appointed to serve as conservator.

CHAPTER 567

An act to amend Section 8006 of the Welfare and Institutions Code, relating to public guardians.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8006 of the Welfare and Institutions Code is amended to read:

8006. Any such public guardian may apply to a court of competent jurisdiction for appointment as guardian or conservator of the person and estate or person or estate of any person in the county or in a county-owned facility in another county who is a patient under the provisions hereof, or of any person in the county who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian or conservator, or of any person in the county who requires a guardian or conservator and for whom there is no person or corporation qualified and willing to act in such capacity. Any such public guardian may act as guardian or conservator of any person and estate ordered into his hands by the court. Where the public guardian has so applied for appointment as guardian or conservator, or the guardianship or conservatorship of a person and estate has been ordered into his hands by the court, letters of guardianship or conservatorship shall be procured, in like manner and on like proceedings as letters of guardianship or conservatorship are issued to other persons. His official bond and oath are in lieu of the guardian's or conservator's bond and oath on the grant of special or general letters of guardianship or temporary letters of conservatorship or letters of conservatorship. The public guardian may take immediate charge of the property within his county of persons referred to him for guardianship or conservatorship when such property is being wasted, uncared for, or lost.

CHAPTER 568

An act to repeal Sections 21205 and 21206 of, to amend Section 21365.1 of, and to add Sections 21205 and 21211 to, the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21205 of the Government Code is repealed.

SEC. 2. Section 21206 of the Government Code is repealed.

SEC. 3. Section 21205 is added to the Government Code, to read:

21205. The designation of a beneficiary under optional settlements 2 and 3, or if a benefit involving the life contingency of the beneficiary is provided, then under optional settlement 4, is irrevocable from the time of the first payment on account of any retirement allowance. Otherwise a designation of beneficiary under this system is revocable at the pleasure of the member who made it. A member's marriage, dissolution of marriage, annulment of his marriage, the birth of his child, or his adoption of a child shall constitute an automatic revocation of his previous revocable designation of beneficiary. Any revocable designation of beneficiary in effect on the operative date of this section which was filed prior to the occurrence of any of the conditions specified herein shall become void and of no effect on that date.

Upon revocation of any beneficiary designation, a member may designate the same or another beneficiary by a writing filed with the board.

SEC. 4. Section 21211 is added to the Government Code, to read:

21211. If no beneficiary designation is in effect on the date of death, any benefit payable shall be paid to the survivors of the member in the following order:

1. The member's spouse
2. His children
3. His parents

Payment shall be to the members of the group entitled, share and share alike. No payment shall be made to persons in any group if at the date of death there are living persons in any group preceding it; provided, however, that children of a deceased child of the member shall receive, share and share alike, the share that such child would have received were he living at the date of the member's death.

If there is no effective beneficiary designation and there are no survivors entitled to the benefit under this section the benefit shall be paid to the estate of the member.

Payment pursuant to the board's determination in good faith upon evidence satisfactory to it of the existence, identity or other facts relating to entitlement of persons under this section shall constitute a complete discharge of and release of the system from liability for the benefit so paid.

SEC. 5. Section 21365.1 of the Government Code is amended to read:

21365.1. The basic death benefit and the limited death benefit shall be paid as provided in this article to the beneficiary designated by the member under Section 21204 or 21205.

CHAPTER 569

An act to amend Sections 408 and 1820 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 408 of the Revenue and Taxation Code is amended to read:

408. (a) Except as otherwise provided in subdivisions (b) and (c) any information and records in the assessor's office which are not required by law to be kept or prepared by the assessor are not public documents and shall not be open to public inspection.

(b) The assessor may provide any market data in his possession to the assessor of any county and shall provide such data to an assessee of property or his designated representative upon request and shall permit an assessee of property or his designated representative to inspect at the assessor's office any information and records, whether or not required to be kept or prepared by the assessor, relating to the appraisal and the assessment of his property, except information and records which also relate to the property or business affairs of a person other than the assessee unless ordered to do so by a competent court in a proceeding initiated by a taxpayer seeking to challenge the legality of his assessment.

(c) The assessor shall disclose information, furnish abstracts or permit access to all records in his office to law enforcement agencies, the county grand jury, the board of supervisors or their duly authorized agents, employees or representatives when conducting an investigation of the assessor's office pursuant to Section 25303 of the Government Code, the State Board of Equalization and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such records.

(d) For purposes of this section, "market data" means any information in the assessor's possession, whether or not required to be prepared or kept by him, relating to the sale of any property comparable to the property of the assessee, if the assessor bases his assessment of the assessee's property, in whole or in part, on such comparable sale or sales. The assessor shall provide the names of the seller and buyer of each property on which the comparison is based, the location of such property, the date of the sale, and the consideration paid for the property, whether paid in money or otherwise, but for purposes of providing such market data, the assessor shall not display any document relating to the business affairs or property of another.

SEC. 2. Section 1820 of the Revenue and Taxation Code is amended to read:

1820. No appraisal data relating to individual properties obtained for the purposes of any survey under this chapter

shall be made public, and no state or local officer or employee thereof gaining knowledge thereof in any action taken under this chapter shall make any disclosure with respect thereto except as that may be required for the purposes of this chapter. Except as specifically provided herein, any appraisal data may be disclosed by the board to any assessor, or by the board or the assessor to the assessee of the property to which the data relate.

During the 30-day period following mailing of the notice to the assessee pursuant to Section 1816, the board shall permit an assessee of property to inspect, at the appropriate intercounty equalization division office of the board, any information and records relating to an appraisal of his property, including "market data" as defined in Section 408; provided, however, that information and records, other than "market data," which also relate to the property or business affairs of a person other than the assessee shall not be disclosed.

Nothing in this section shall be construed as preventing examination of such data by law enforcement agencies, grand juries, boards of supervisors, or their duly authorized agents, employees, or representatives conducting an investigation of an assessor's office pursuant to Section 25303 of the Government Code, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine such data.

CHAPTER 570

An act to amend Section 4530 of the Penal Code, relating to prisoners.

[Approved by Governor July 31, 1970. Filed with Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4530 of the Penal Code is amended to read:

4530. (a) Every prisoner confined in a state prison who, by force or violence, escapes or attempts to escape therefrom and every prisoner committed to a state prison who, by force or violence, escapes or attempts to escape while being conveyed to or from such prison or any other state prison, or any prison road camp, prison forestry camp, or other prison camp or prison farm or any other place while under the custody of prison officials, officers or employees; or who, by force or violence, escapes or attempts to escape from any prison road camp, prison forestry camp, or other prison camp or prison farm or other place while under the custody of prison officials, officers or employees; or who, by force or violence, escapes or attempts to escape while at work outside or away from prison under custody of prison officials, officers, or employees, is punishable by imprisonment in a state prison for a term of

not less than one year. The second term of imprisonment of a person convicted under this subdivision shall commence from the time he would otherwise have been discharged from said prison. No additional probation report shall be required with respect to such offense.

(b) Every prisoner who commits an escape or attempts an escape as described in subdivision (a), without force or violence, is punishable by imprisonment in the state prison for a term of not less than six months nor more than five years. No additional probation report shall be required with respect to such offense.

(c) The willful failure of a prisoner who is employed or continuing his education, or who is authorized to secure employment or education, or who is temporarily released pursuant to the provisions of Sections 2690, 2910, or 6254 of this code, or Section 3306 of the Welfare and Institutions Code, to return to the place of confinement not later than the expiration of a period during which he is authorized to be away from such place of confinement, is an escapee from such place of confinement punishable as provided in this section. A conviction of violation of this subdivision, not involving force or violence, shall not be charged as a prior felony conviction in any subsequent prosecution for a public offense.

CHAPTER 571

An act to add Part 11 (commencing with Section 37850) to Division 24 of the Health and Safety Code, relating to housing.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Part 11 (commencing with Section 37850) is added to Division 24 of the Health and Safety Code, to read:

PART 11. AREA HOUSING COUNCILS

CHAPTER 1. DEFINITIONS

37850. "Area housing plan" means a plan, consisting of standards and plans for the improvement of housing and for provisions of adequate sites for housing, which plan endeavors to make adequate provisions for the housing needs of all economic segments of the area which it covers, and which is adopted by an area housing council.

37851. "City" means any city or city and county. "County" means any county.

37852. "Council" means an area housing council created pursuant to this part.

37853. "General plan" means a plan adopted by a city or county pursuant to Article 5 (commencing with Section 65300) of Chapter 3 of Title 7 of the Government Code.

37854. "Governing body" means the city council in the case of a city or the board of supervisors in the case of a county.

CHAPTER 2. AREA HOUSING COUNCIL

37860. Notwithstanding any other provision of law, the governing body of any city or county, upon adoption of a resolution declaring the need for participation in an area housing council, may enter into an agreement with any other city or county whose governing body has adopted a resolution declaring such need, to form an area housing council.

37861. A council shall consist of the following commissioners: the director of planning of the planning agency of each member city or county, the executive director of the housing authority of each member city or county, and two commissioners appointed by the governing body of each member city or county, who shall be representative of the housing and construction industry. The commissioners shall serve at the pleasure of the respective governing bodies.

37862. The commissioners shall select a chairman from their number.

37863. Upon the appointment of all required commissioners the council shall be authorized to exercise its powers and conduct its business.

CHAPTER 3. POWERS AND DUTIES

37870. A council shall develop an area housing plan covering the cities and counties comprising the council's membership.

37871. For the purpose of carrying on its business, a council, by resolution approved by one-half of its commissioners, may require that a surcharge not to exceed one-twentieth of 1 percent of the cost of building construction and improvements shall be made upon building permits issued by the cities and counties comprising the council's membership, and paid to the council.

37872. Upon the adoption of the area housing plan as the housing element of the general plan of a city or county which is a member of the council, such city or county shall become entitled to one-half of its proportionate share of moneys collected by the council to date, pursuant to Section 37871. Such money shall be returned by the council to the city or county, and may be used only for the purpose of implementing the housing element of the general plan of the city or county.

37873. At the end of each calendar year during which a member city or county, in the opinion of a majority of the commissioners, has made reasonable progress toward implementation of the housing element of its general plan, the council shall return to such city or county one-half of its proportionate share of moneys collected to date pursuant to Section 37871. Such money may be used only for the purpose specified in Section 37872.

CHAPTER 572

An act to amend Sections 13050 and 13051 of, and to add Section 13056 to, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 31, 1970 Filed with
Secretary of State July 31, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13050 of the Insurance Code is amended to read:

13050. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, of any of the reinsured lines, shall establish the California Riot and Civil Disorders Insurance Association, to formulate and administer the program for the equitable apportionment among such insurers of insurance to the State of California to permit the State of California to discharge its obligation to reimburse the secretary, pursuant to the provisions of the act. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in the association in accordance with a plan of operation drawn up by the governing committee and approved by the commissioner. Such plan of operation may also provide for assessment of all members in amounts sufficient to operate the association. The governing committee shall administer this plan of operation. Unless otherwise determined at a general meeting of the insurers, the duly elected governing committee of the California FAIR Plan shall serve as the governing committee of the association.

SEC. 2. Section 13051 of the Insurance Code is amended to read:

13051. (a) Within 30 days after the effective date of this chapter, the association shall submit to the commissioner a proposed plan of operation consistent with the provisions of this chapter, consisting of the association of all insurers licensed to write and engaged in writing in this state, on a direct basis, of any of the reinsured lines. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact such kind of insurance in this state.

(b) Under the plan each insurer shall participate in the risk, expenses, and losses of the association in the proportion that its premiums during the calendar year immediately preceding the claim by the secretary against the state, pursuant to the provisions of the act, bear to the aggregate premiums of all insurers in the association, excluding that portion of the premiums attributable to the operation of the association.

(c) The plan of operation shall be subject to the approval of the commissioner, and shall go into effect upon the tentative approval of the commissioner. The commissioner may, at any time, withdraw his tentative approval, or he may, at any time after he has given his final approval, revoke such approval if in his judgment that is necessary to carry out the purpose of this chapter. The withdrawal or revocation of such approval shall not affect the validity of any contracts executed by the insurer members of the association prior to the date of such withdrawal. If the commissioner disapproves, or withdraws or revokes his approval to all or any part of the plan of operation, the governing committee shall immediately thereafter submit for review an appropriate revised plan, or part thereof, and, if the governing committee fails to do so, or if the revised plan so filed is unacceptable, the commissioner shall promulgate such a plan of operation, or part thereof, as he may deem necessary to carry out the purpose of this chapter.

(d) The governing committee may, on its own initiative, or at the request of the commissioner, amend the plan, subject to the approval of the commissioner. The commissioner, or any person designated by him, shall have the power of visitation of, and examination into, the operation, and free access to all of the books, records, files, papers, and documents that relate to the operation of the association and of any member-insurer thereof, and may summon, qualify, and examine as witnesses all persons having knowledge of such operations, including officers, agents, or employees of the association, or any member-insurer thereof.

(e) The commissioner shall have the right of approval or modification of any contract or contracts executed between the association, its member-insurers, and the State of California.

SEC. 3. Section 13056 is added to the Insurance Code, to read:

13056. (a) In exchange for the association's assuming the obligation of the State of California to the secretary under the act, the state shall transmit to the association an annual premium as long as the association's obligation under this chapter remains in force. The first premium shall be for the year commencing July 31, 1969, payable when this section becomes effective, and the next annual premium shall be due on July 31, 1970, and additional payments shall be made on July 31 of each year thereafter.

(b) The operating expenses of the association shall be deducted from such premium, and the balance of such premium shall be allocated to members of the association on the basis of their gross direct premium writings of reinsured lines in the state during such preceding calendar year.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

The initial payment to the California Riot and Civil Disorders Insurance Association for the obligation of the state, under Title XI of the Federal Housing and Urban Development Act of 1968, to reimburse the federal Secretary of Housing and Urban Development, which obligation the association has assumed under the provisions of Division 4 (commencing with Section 13000) of the Insurance Code, has been appropriated by the Legislature but not paid because of the lack of clarity of the provisions contained in such Division 4. The insurance companies covered by such Division 4 have been given an obligation of the state for which it was intended they should be paid. Unless this act becomes effective prior to July 31, 1970, the state may be obligated to the federal government for as much as thirty-three million dollars (\$33,000,000), or the federal reinsurance program may no longer be available in California.

CHAPTER 573

An act to add Chapter 10.3 (commencing with Section 673) to Part 1 of Division 1 of the Insurance Code, relating to insurance.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.3 (commencing with Section 673) is added to Part 1 of Division 1 of the Insurance Code, to read:

CHAPTER 10.3. CANCELLATION OF POLICIES WHEN PREMIUM FINANCED

673. (a) As used in this section, "exercise the right to cancel" means the act of formally electing to use the right of the insured to cancel any insurance policy in accordance with and subject to the provisions of that policy when the right to use that right of the insured has been transferred or assigned by the insured in writing to a lender who has advanced to the insurer the premium for such policy. Such transfer or assignment may be by power of attorney or other document. Such transfer or assignment may, but need not, be accompanied by an assignment of any unearned premium due the insured on cancellation.

(b) No lender shall exercise the right to cancel a financed insurance policy because of the default of the insured under a premium payment loan agreement except in accordance with this section.

(c) Written notice of the exercise of such right to cancel shall be mailed by the lender to the insurer and to the

insured at the address shown on the premium payment loan agreement or his last known address, specifying a date five days or more after the date of mailing of such notice as the effective date of cancellation. Any insurer may, in writing delivered to the lender, waive, generally or specifically, the right to receive such notice or notices. A copy of such notice may be mailed to the producer of record if known to the lender, but failure to do so shall not affect any rights granted by this section. This subdivision shall not apply to an industrial loan company.

(d) An industrial loan company shall, in giving the insured 10 days' notice of its intent to cancel pursuant to Section 18923 of the Financial Code, furnish a copy of such notice to the insurance agent or insurance broker indicated on the premium finance agreement. After expiration of such 10-day period, the industrial loan company may thereafter, in the name of the insured, cancel such insurance contract or contracts by mailing to the insurer a written notice of cancellation, and the insurance contract shall be canceled as if such notice of cancellation had been submitted by the insured himself, but without requiring the return of the insurance contract or contracts. The industrial loan company shall also mail a notice of cancellation, setting forth the effective date of cancellation of the finance insurance contract, to the insured at his last known address and to the insurance agent or insurance broker indicated on the premium finance agreement. For the purposes of this subdivision, the words "premium finance agreement" shall have the same meaning as that specified in Section 18903 of the Financial Code.

(e) A written exercise of such right containing a confirmation of the effective date of cancellation shall be mailed by the lender to the insurer within five days following such effective date of cancellation specified in the notice described in subdivision (c) unless the insured has cured any and all defaults. Cancellation shall be effective on such financed insurance policy without requiring the return of the insurance policy or insurance policies, except as provided in subdivisions (f) and (g), on the confirmation date specified in the written exercise of such right. This subdivision shall not apply to an industrial loan company.

(f) All statutory, regulatory, and contractual restrictions providing that the financed insurance policy may not be canceled unless notice is given to a governmental agency, mortgagee, or other third party shall apply where cancellation is effected under this section. The insurer shall give the prescribed notice on behalf of itself or the insured to any governmental agency, mortgagee, or other third party on or before the fifth business day after the day it receives the written exercise of cancellation right containing confirmation of the cancellation date from such lender, as provided in subdivision (e), or a written notice of cancellation from an industrial loan company, pursuant to subdivision (d), and shall, for the purpose

of such notice, determine the effective date of cancellation as to those persons mentioned in this subdivision only, taking into consideration the number of days' notice required to complete the cancellation.

(g) Whenever such a financed insurance policy is canceled by any party for any reason, the insurer shall, in accordance with the written agreements of which it has notice, return to the lender such unearned premiums as are due to the lender. The amount of such return premiums shall be based upon the confirmed date of cancellation specified in subdivision (e), or upon the written notice of cancellation specified in subdivision (d) in the case of an industrial loan company, lessened by the amount, if any, to compensate equitably the insurer for carrying the risk of loss as to any governmental agency, mortgagee, or other parties specified in subdivision (f) from such date to the effective date of cancellation as to such parties.

(h) The commissioner may amend the rules and regulations of any assigned risk plan, fair plan, or similar plan to provide for the equitable assignment of insurance risks among insurers now in existence or hereafter established, in such manner as may be necessary to carry out the purposes of this section.

(i) A lender which sends a written exercise of cancellation right or a written notice of cancellation to an insurer, as provided in subdivision (c), or subdivision (d) in the case of an industrial loan company, thereby represents that he has a valid right so to do and to receive the unearned premium. If the lender thereby accomplishes the cancellation and receives an unearned premium, such representation shall be conclusive as between the insurer and the lender. An insurer relying upon the written exercise of such right containing a confirmation of cancellation date and giving, when applicable, notice as required by subdivision (e), shall be relieved from complying with any other duty or form of cancellation required by this code.

(j) This section shall not apply where the insurer exercises its own right to cancel the policy for nonpayment of premium, direct or indirect, or otherwise. Such a cancellation shall be subject to all applicable provisions of the policy, this code, except this section, and any rights of the lender of which the insurer has written notice.

(k) This section shall apply only to contracts entered into between an insured and a lender on or after the effective date of this section.

CHAPTER 574

An act to add Sections 12016.1 and 12461.5 to the Government Code, relating to financing of state government, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 12016.1 is added to the Government Code, to read:

12016.1. When submitting the budget required by the State Constitution, the Governor shall use the sum determined by the Controller pursuant to Section 12461.5 for a reserve for working capital for the past actual year.

SEC. 2. Section 12461.5 is added to the Government Code, to read:

12461.5. There shall be a reserve for working capital in the General Fund in the amount of the difference between the gross surplus available for appropriation, as determined by the Controller without regard to such reserve, and the General Fund cash in the State Treasury at the end of each fiscal year after adjustment for temporary loans under the provisions of Section 16310, Section 16351, or any bond act.

SEC. 3. The provisions of Section 2 of this act shall be applied by the State Controller in stating the condition of the General Fund as of June 30, 1970 for the 1969-1970 fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into effect immediately. The facts constituting such necessity are:

In order to authorize the State Controller to take the reserve for working capital into account in stating the condition of the State General Fund as of June 30, 1970, for the 1969-1970 fiscal year, it is necessary for this act to be effective immediately.

CHAPTER 575

An act to amend Sections 6250, 6252, 6256, and 6258 of the Government Code and to amend Section 6319 of the Labor Code, relating to public records.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6250 of the Government Code is amended to read:

6250. In enacting this chapter, the Legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

SEC. 2. Section 6252 of the Government Code is amended to read:

6252. As used in this chapter:

(a) "State agency" means every state office, officer, department, division, bureau, board, and commission or other state agency, except those agencies provided for in Article IV (except Section 20 thereof) or Article VI of the California Constitution.

(b) "Local agency" includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof; or other local public agency.

(c) "Person" includes any natural person, corporation, partnership, firm, or association.

(d) "Public records" includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(e) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

SEC. 3. Section 6256 of the Government Code is amended to read:

6256. Any person may receive a copy of any identifiable public record or copy thereof. Upon request, an exact copy shall be provided unless impracticable to do so. Computer data shall be provided in a form determined by the agency.

SEC. 4. Section 6258 of the Government Code is amended to read:

6258. Any person may institute proceedings for injunctive or declarative relief in any court of competent jurisdiction to enforce his right to inspect or to receive a copy of any public record or class of public records under this chapter. The times for responsive pleadings and for hearings in such proceedings shall be set by the judge of the court with the object of securing a decision as to such matters at the earliest possible time.

SEC. 5. Section 6319 of the Labor Code is amended to read:

6319. No officer or employee of the division shall divulge to any person not connected with the administration of this part any information that is confidential pursuant to the provisions of Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code concerning the failure to keep any place of employment safe or concerning the violation of any order, rule, or regulation issued by the board or division. Violation of this section is a misdemeanor.

CHAPTER 576

An act to amend Section 651 of, and to add Section 668.5 to, the Insurance Code, relating to insurance.

[Approved by Governor July 31, 1970. Filed with
Secretary of State July 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 651 of the Insurance Code is amended to read:

651. Notwithstanding any other provision of this code, no cancellation by an insurer of an auto liability insurance policy, other than one defined in and subject to the provisions of Chapter 10 (commencing with Section 660) of this part, shall be effective prior to the mailing or delivery to the named insured at the address shown in the policy, of a written notice of the cancellation stating when, not less than ten (10) days after the date of such mailing or delivery, the date the cancellation shall become effective.

SEC. 2. Section 668.5 is added to the Insurance Code, to read:

668.5. No cancellation of a policy or coverage of insurance subject to this chapter but not subject to Section 661 or 662 (because it has been in effect less than 60 days) shall be effective unless a notice of cancellation subject to Sections 664 and 665, when applicable, but not to any other provision of this chapter or to Sections 651 and 652, be mailed or delivered by the insurer to the named insured not later than the 59th day following its effective date and at least 10 days prior to the effective date of cancellation.

CHAPTER 577

An act to add Section 39562.2 to the Government Code, relating to weed abatement.

[Approved by Governor August 3, 1970. Filed with
Secretary of State August 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39562.2 is added to the Government Code, to read:

39562.2. In any case where cities are authorized to abate weeds pursuant to the provisions of this chapter and where the legislative body finds and declares that weeds on specified parcels of property are seasonal and recurrent nuisances as provided in Section 39562.1, the legislative body may provide for the preventive abatement of such seasonal and recurrent nuisance as provided in this section.

The notice required by Section 39562.1 shall, in addition to containing all other required matters, state that the efficient and economical control of such seasonal and recurrent nuisance requires preventive chemical control of such weeds, weed seeds and weed seedlings and that the city may require preventive chemical control of such nuisance.

In the event the city is once required to abate such nuisance the city may, in addition, before and during the next following germinating season of such weeds, provide for the preventive abatement of such nuisance by using chemical control of such weeds.

CHAPTER 578

An act to amend Section 74003 of the Government Code, relating to marshals of municipal courts.

[Approved by Governor August 3, 1970. Filed with Secretary of State August 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 74003 of the Government Code is amended to read:

74003. (a) There shall be one Marshal of the County of Orange appointed by, and serving at the pleasure of, a majority of the judges of the municipal courts in the county. The marshal initially appointed pursuant to this section shall be selected from those individuals who presently hold the position of marshal of one of the municipal courts of Orange County immediately prior to the effective date of this section. The deputies and other employees of the incumbent marshals of each superseded marshal's office shall become employees of the Marshal of Orange County at classifications and salaries determined by this article, but in no event shall the salaries be less than those received by such personnel on the effective date of this section.

(b) A branch office of the Marshal of Orange County shall be maintained in each judicial district.

(c) The marshal shall appoint one assistant marshal. The initial selection of the assistant marshal shall be from one of the individuals who is a marshal of one of the municipal courts of Orange County just prior to the effective date of this section.

(d) The marshal shall appoint three inspectors. The appointments shall be of individuals who are marshals of municipal courts in Orange County just prior to the effective date of this section. Upon each occurrence of a vacancy of an inspector, the position shall cease to exist.

(e) In no event shall the compensation of the marshal be less than 13 ranges above that set for the position of lieutenant.

ant, marshal's office. In no event shall the compensation for the position of assistant marshal be less than nine ranges above that set for the position of lieutenant, marshal's office. In no event shall the compensation for the position of inspector be less than seven ranges above that set for the position of lieutenant, marshal's office.

(f) Notwithstanding the provisions of Section 31662.6, the marshal of all municipal courts within the County of Orange who is a safety member, and all ex-marshals of a municipal court within the County of Orange who are reclassified to other positions within a marshal's office due to the establishment of one marshal for all the municipal courts within Orange County, shall be retired as of the first day of the calendar month next succeeding that in which he attains age 65, or at the expiration of the term to which he was elected, whichever term may be longer.

SEC. 2. This act shall become operative on the first day of December 1970, or upon the date this act becomes law, whichever is later.

CHAPTER 579

An act to amend Section 13337.5 of the Education Code, relating to teachers.

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13337.5 of the Education Code is amended to read:

13337.5. Notwithstanding the provisions of Section 13337, the governing board of a school district maintaining a community college may employ as a teacher in grade 13 or grade 14, for a complete school year but not less than a complete semester or quarter during a school year, any person holding appropriate certification documents, and may classify such person as a temporary employee. The employment of such persons shall be based upon the need for additional certificated employees for grades 13 and 14 during a particular semester or quarter because of the higher enrollment of students in those grades during that semester or quarter as compared to the other semester or quarter in the academic year, or because a certificated employee has been granted leave for a semester, quarter, or year, or is experiencing long-term illness, and shall be limited, in number of persons so employed, to that need, as determined by the governing board.

Such employment may be pursuant to contract fixing a salary for the entire semester or quarter.

No person shall be so employed by any one district for more than two semesters or quarters within any period of three consecutive years.

Notwithstanding any other provision to the contrary, any person who is employed to teach adult or community college classes for not more than 60 percent of the hours per week considered a full-time assignment for permanent employees having comparable duties shall be classified as a temporary employee, and shall not become a probationary employee under the provisions of Section 13446.

CHAPTER 580

An act to amend Section 597f of the Penal Code and to amend Section 30652 of the Agricultural Code, relating to animals.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 597f of the Penal Code is amended to read:

597f. Every owner, driver, or possessor of any animal, who shall permit the same to be in any building, enclosure, lane, street, square, or lot, of any city, city and county, or judicial district, without proper care and attention, shall, on conviction, be deemed guilty of a misdemeanor. And it shall be the duty of any peace officer, officer of the humane society, or officer of a pound or animal regulation department of a public agency, to take possession of the animal so abandoned or neglected and care for the same until it is redeemed by the owner or claimant, and the cost of caring for such animal shall be a lien on the same until the charges are paid. Every sick, disabled, infirm, or crippled animal, except a dog or cat, which shall be abandoned in any city, city and county, or judicial district, may, if after due search no owner can be found therefor, be killed by such officer; and it shall be the duty of all peace officers, an officer of such society, or officer of a pound or animal regulation department of a public agency to cause the same to be killed on information of such abandonment. Such officer may likewise take charge of any animal, including a dog or cat, that by reason of lameness, sickness, feebleness, or neglect, is unfit for the labor it is performing, or that in any other manner is being cruelly treated; and, if such animal is not then in the custody of its owner, such officer shall give notice thereof to such owner, if known, and may provide suitable care for such animal until it is deemed to be in a suitable condition to be delivered to such owner, and any necessary expenses which may be incurred for taking care of and keeping the same shall be a lien thereon, to be paid before the same can be lawfully recovered.

It shall be the duty of all officers of pounds or humane societies, and animal regulation departments of public agencies

to convey, and for police and sheriff departments, to cause to be conveyed all injured cats and dogs found without their owners in a public place directly to a veterinarian known by such officer or agency to be a veterinarian that ordinarily treats dogs and cats for a determination of whether the animal shall be immediately and humanely destroyed or shall be hospitalized under proper care and given emergency treatment. Any such veterinarian who agrees to make such a determination, shall himself perform euthanasia on an animal if the owner does not redeem the animal within the locally prescribed waiting period or if he determines that such animal has incurred severe injuries or is incurably crippled. If any such veterinarian determines that the animal shall be hospitalized under proper care and given emergency treatment, the costs of any such services which are provided pending the owner's inquiry to such agency, department, or society shall be paid from the dog license fees, fines, and fees for impounding dogs in the city, county, or city and county in which the animal was licensed or if the animal is unlicensed the jurisdiction in which the animal was found, subject to the provision that this cost be repaid by the animal's owner. No such veterinarian shall be criminally or civilly liable for any decision which he makes or services which he provides pursuant to the provisions of this section.

Notwithstanding any other provisions of this section, any officer of a pound or animal regulation department or humane society, or any officer of a police or sheriff's department may, with the approval of his immediate superior, humanely destroy any abandoned animal in the field in any case where the animal is too severely injured to move or where a veterinarian is not available and it would be more humane to dispose of such animal.

SEC. 2. Section 30652 of the Agricultural Code is amended to read:

30652. All fees for the issuance of dog license tags and all fines collected pursuant to this division shall be paid into the county, city, or city and county treasury, as the case may be, and shall be used:

- (a) First, to pay fees for the issuance of dog license tags.
- (b) Second, to pay fees, salaries, costs, expenses, or any or all of them for the enforcement of this division and all ordinances which are made pursuant to this division.
- (c) Third, to pay damages to owners of livestock which are killed by dogs.
- (d) Fourth, to pay costs of any hospitalization or emergency care of animals pursuant to Section 597f of the Penal Code.

CHAPTER 581

An act to add Sections 1283 and 1283.1 to, and to repeal Section 1283 of, the Code of Civil Procedure, relating to arbitration proceedings.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1283 of the Code of Civil Procedure is repealed.

SEC. 2. Section 1283 is added to the Code of Civil Procedure, to read:

1283. To the extent provided in Section 1283.1, depositions may be taken and discovery obtained in arbitration proceedings as follows:

(a) After the appointment of the arbitrator or arbitrators, the parties to the arbitration shall have the right to take depositions and to obtain discovery regarding the subject matter of the arbitration, and, to that end, to use and exercise all of the same rights, remedies, and procedures, and be subject to all of the same duties, liabilities, and obligations in the arbitration with respect to the subject matter thereof, as provided in Chapter 2 (commencing with Section 1985) of, and Article 3 (commencing with Section 2016) of Chapter 3 of, Title 3 of Part 4 of this code, as if the subject matter of the arbitration were pending in a civil action before a superior court of this state, subject to the limitation as to depositions set forth in subdivision (e) of this section.

(b) The arbitrator or arbitrators themselves shall have power, in addition to the power of determining the merits of the arbitration, to enforce the rights, remedies, procedures, duties, liabilities, and obligations of discovery by the imposition of the same terms, conditions, consequences, liabilities, sanctions, and penalties as can be or may be imposed in like circumstances in a civil action by a superior court of this state under the provisions of this code, except the power to order the arrest or imprisonment of a person.

(c) The arbitrator or arbitrators may consider, determine, and make such orders imposing such terms, conditions, consequences, liabilities, sanctions, and penalties, whenever necessary or appropriate at any time or stage in the course of the arbitration, and such orders shall be as conclusive, final, and enforceable as an arbitration award on the merits, if the making of any such order that is equivalent to an award or correction of an award is subject to the same conditions, if any, as are applicable to the making of an award or correction of an award.

(d) For the purpose of enforcing the duty to make discovery, to produce evidence or information, including books

and records, and to produce persons to testify at a deposition or at a hearing, and to impose terms, conditions, consequences, liabilities, sanctions, and penalties upon a party for violation of any such duty, such party shall be deemed to include every affiliate of such party as defined in this section. For such purpose:

(1) The personnel of every such affiliate shall be deemed to be the officers, directors, managing agents, agents, and employees of such party to the same degree as each of them, respectively, bears such status to such affiliate; and

(2) The files, books, and records of every such affiliate shall be deemed to be in the possession and control of, and capable of production by, such party. As used in this section, "affiliate" of the party to the arbitration means and includes any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee, or managing agent of such party or person.

(e) Depositions, whether for discovery or as evidence, or both, shall not be taken unless leave to do so is first granted by the arbitrator or arbitrators. Such leave shall not be granted unless it is impractical or impossible to obtain the attendance of the witness at a hearing, or it is grossly inconvenient, uneconomical, inefficient, or otherwise unjust to refuse such leave, having due regard to the importance of presenting the testimony orally at a hearing.

SEC. 3. Section 1283.1 is added to the Code of Civil Procedure, to read:

1283.1. (a) All of the provisions of Section 1283 shall be conclusively deemed to be incorporated into, made a part of, and shall be applicable to, every agreement to arbitrate any dispute, controversy, or issue arising out of or resulting from any injury to, or death of, a person caused by the wrongful act or neglect of another.

(b) Only if the parties by their agreement so provide, may the provisions of Section 1283 be incorporated into, made a part of, or made applicable to, any other arbitration agreement.

CHAPTER 582

An act to amend Sections 581a and 583 of the Code of Civil Procedure, relating to dismissal of actions.

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 581a of the Code of Civil Procedure is amended to read:

581a. (a) No action heretofore or hereafter commenced by complaint shall be further prosecuted, and no further pro-

ceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any party interested therein, whether named as a party or not, unless the summons on the complaint is served and return made within three years after the commencement of said action, except where the parties have filed a stipulation in writing that the time may be extended or the party against whom the action is prosecuted has made a general appearance in the action.

(b) No action heretofore or hereafter commenced by cross-complaint shall be further prosecuted, and no further proceedings shall be had therein, and all actions heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced, on its own motion, or on the motion of any party interested therein, whether named as a party or not, unless, if a summons is not required, the cross-complaint is served within three years after the filing of the cross-complaint or unless, if a summons is required, the summons on the cross-complaint is served and return made within three years after the filing of the cross-complaint, except where the parties have filed a stipulation in writing that the time may be extended or, if a summons is required, the party against whom service would otherwise have to be made has made a general appearance in the action.

(c) All actions, heretofore or hereafter commenced, shall be dismissed by the court in which the same may be pending, on its own motion, or on the motion of any party interested therein, if service has been made and no answer has been filed or if the defendant has made a general appearance in the action, if plaintiff fails, or has failed, to have judgment entered within three years after service has been made or such appearance by the defendant, except where the parties have filed a stipulation in writing that the time may be extended.

(d) The time during which the defendant was not amenable to the process of the court shall not be included in computing the time period specified in this section.

(e) A motion to dismiss pursuant to the provisions of this section shall not, nor shall any extension of time to plead after such motion, or stipulation extending time for service of summons and return thereof, constitute a general appearance.

SEC. 2. Section 583 of the Code of Civil Procedure is amended to read:

583. (a) The court, in its discretion, may dismiss an action for want of prosecution pursuant to this subdivision if it is not brought to trial within two years after it was filed. The procedure for obtaining such dismissal shall be in accordance with rules adopted by the Judicial Council.

(b) Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of the defendant, after due notice to plaintiff or by the court upon

its own motion, unless such action is brought to trial within five years after the plaintiff has filed his action, except where the parties have filed a stipulation in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of defendant after due notice to plaintiff, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within three years after the entry of the order granting a new trial, except when the parties have filed a stipulation in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court, on motion of defendant after due notice to plaintiff, or of its own motion, unless brought to trial within three years from the date upon which remittitur is filed by the clerk of the trial court.

(c) For the purposes of this section, "action" includes an action commenced by cross-complaint; "cross-complaint" includes a counterclaim to the extent that it seeks affirmative relief.

(d) The time during which the defendant was not amenable to the process of the court and the time during which the jurisdiction of the court to try the action is suspended shall not be included in computing the time period specified in this section.

CHAPTER 583

An act to add Section 232.9 to the Civil Code, relating to custody and control of minors.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. It is the intention of the Legislature in enacting this act to extend adoption services for the benefit of children residing in foster homes at public expense by facilitating legal actions required for adoption so that these children may be placed in adoptive homes where they will have the benefits of stability and security.

SEC. 2. Section 232.9 is added to the Civil Code, to read:

232.9. The State Department of Social Welfare, a county welfare department, a county adoption department, or a county probation department which is planning adoptive placement of a child with a licensed adoption agency, or the State Department of Social Welfare acting as an adoption agency in counties which are not served by a county adoption agency, may initiate an action under Section 232 to declare a

child free from the custody and control of his parents. The fact that a child is in a foster care home licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code shall not prevent the institution of such an action by any such agency or by a licensed adoption agency pursuant to Section 232.

The county counsel or, if there is no county counsel, the district attorney of the county specified in Section 233 shall, in a proper case, institute the action upon the request of any of the state or county agencies mentioned herein.

CHAPTER 584

An act to amend Sections 1155, 1156, 1158, and 1160 of the Civil Code, relating to the Uniform Gifts to Minors Act.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1155 of the Civil Code is amended to read:

1155. In this article, unless the context otherwise requires:

(a) An "adult" is a person who has attained the age of 21 years.

(b) A "bank" is any bank authorized to do business in this state.

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

(d) "Court" means the superior court.

(e) "The custodial property" includes:

(1) All securities, money, life or endowment insurance policies, and annuity contracts under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this article.

(2) The income from the custodial property; and

(3) The proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender, or other disposition of such securities, money, life or endowment insurance policies, and annuity contracts and income.

(f) A "custodian" is a person so designated in a manner prescribed in this article. The term includes a successor custodian.

(g) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal

law or the laws of a state or a federal credit union or a credit union chartered and supervised under the laws of a state. An "insured financial institution" is one, where deposits, including a savings, share, certificate or deposit account, in which are, in whole or in part, insured by the federal deposit insurance corporation, by the federal savings and loan insurance corporation, or by a fund approved by the state.

(h) A "guardian" of a minor means the general guardian, guardian, tutor, or curator of his property, or estate appointed or qualified by a court of this state or another state.

(i) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(j) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

(k) "Life or endowment insurance policies and annuity contracts," means only life or endowment insurance policies and annuity contracts on the life of a minor or a member of the minor's family as defined in subdivision (l) of this section.

(l) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

(m) A "minor" is a person who has not attained the age of 21 years.

(n) A "savings and loan association" includes a federal savings and loan association, or a state-chartered savings and loan association or building and loan association doing business in this state; an "insured savings and loan association" is a savings and loan association which is an "insured institution" as defined in Title IV of the National Housing Act; and an "account in an insured savings and loan association" has the meaning as in Section 1430.5 of the Probate Code.

(o) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, account in an insured savings and loan association, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon

books maintained for that purpose by or on behalf of the issuer.

(p) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(q) A "trust company" means a trust company as defined by Sections 107 and 109 of the Financial Code.

SEC. 2. Section 1156 of the Civil Code is amended to read:

1156. (a) An adult person may, during his lifetime, make a gift of a security, money, a life or endowment insurance policy, or an annuity contract to a person who is a minor on the date of the gift:

(1) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person, or a trust company, followed in substance, by the words: "as custodian for _____ under the

(Name of minor)

California Uniform Gifts to Minors Act.;"

(2) If the subject of the gift is a security not in registered form, by delivering it to an adult person, other than the donor, or to a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

**"Gift Under the California Uniform
Gifts to Minors Act**

I, _____, hereby deliver to _____
(Name of donor) (Name of custodian)
as custodian for _____ under the California
(Name of minor)

Uniform Gifts to Minors Act, the following security(ies): (insert an appropriate description of the security or securities delivered sufficient to identify it or them)

(Signature of donor)

_____ hereby acknowledges receipt of the
(Name of custodian)
above-described security(ies) as custodian for the above minor
under the California Uniform Gifts to Minors Act.

Dated: _____
(Signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a financial institution for credit to an account in the name of the donor, another adult person or a bank with trust powers, followed, in substance, by the words: "as custodian for _____ under the California
(Name of minor)

Uniform Gifts to Minors Act."

(4) If the subject of the gift is a life or endowment insurance policy or an annuity contract, such policy or contract shall be assigned to the donor, another adult person, or a bank with trust powers, followed in substance by the words: "as custodian for ----- under the California Uniform Gifts to Minors Act."

(Name of minor)

(b) Any gift made in a manner prescribed in subdivision (a) may be made to only one minor and only one person may be the custodian.

(c) A donor who makes a gift to a minor in a manner prescribed in subdivision (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subdivision, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

SEC. 3. Section 1158 of the Civil Code is amended to read:

1158. (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of 14 years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over, with an accounting, to the minor on his attaining the age of 21 years or, if the minor dies before attaining the age of 21 years he shall thereupon deliver or pay it over, with an accounting, to the estate of the minor.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this article.

(f) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at

the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security of which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "As custodian for _____ under the California Uniform Gifts to

(Name of minor)

Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for _____

(Name of minor)

under the California Uniform Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of 14 years.

(i) A custodian has and holds as powers in trust, with respect to the custodial property, in addition to the rights and powers provided in this article, all the rights and powers which a guardian has with respect to property not held as custodial property.

(j) If the subject of the gift is a life or endowment insurance policy or annuity contract, the custodian (1) in his capacity as custodian, has all the incidents of ownership in the policy or contract to the extent as if he were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom he is acting; and (2) may pay premiums on the policy or contract out of the custodial property.

SEC. 4. Section 1160 of the Civil Code is amended to read:

1160. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or

purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this article, or is obliged to inquire into the validity or propriety under this article of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in subdivision (b) of Section 1161 by a minor to whom a gift has been made in a manner prescribed in this article and who has attained the age of 14 years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this of the instrument of designation.

CHAPTER 585

An act to amend Section 416.20 of the Code of Civil Procedure, and to add Section 6505 to the Corporations Code, relating to service of process.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 416.20 of the Code of Civil Procedure is amended to read:

416.20. A summons may be served on a corporation that has forfeited its charter or right to do business, or has dissolved, by delivering a copy of the summons and of the complaint:

(a) To a person who is a trustee of the corporation and of its stockholders or members; or

(b) When authorized by any provision in Sections 3305 to 3306, inclusive, or 6505 of the Corporations Code, as provided by such provision.

SEC. 2. Section 6505 is added to the Corporations Code, to read:

6505. If a foreign corporation, which is qualified to transact intrastate business in this state, has its right to transact such business forfeited by the Franchise Tax Board pursuant to the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of the Revenue and Taxation Code, service of process on such corporation may be effected in the manner set forth in Sections 6500 through 6503, inclusive, the same as if the corporation's right to transact intrastate business in this state had not been forfeited by the Franchise Tax Board.

CHAPTER 586

An act to add Section 591.4 to the Education Code, relating to federal educational acts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 591.4 is added to the Education Code, to read:

591.4. The State Board of Education may, after all priorities of this chapter have been accomplished, approve the expenditure of funds for language development and mathematics projects in the secondary grades.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to secure the necessary review and approval of established programs at the secondary school level and to permit school districts to avail themselves of federal funds which are to be available for a limited time only for programs maintained at the secondary level, it is essential that this act take effect immediately.

CHAPTER 587

An act to amend Section 586 of the Code of Civil Procedure, relating to judgments.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 586 of the Code of Civil Procedure is amended to read:

586. In the following cases the same proceedings shall be had, and judgment shall be rendered in the same manner, as if the defendant had failed to answer:

1. If the complaint has been amended, and the defendant fails to answer it, as amended, or demur thereto, or file a notice of motion to strike, of the character specified in Section 585, within 10 days after service thereof or within the time allowed by the court.

2. If the demurrer to the complaint is overruled and a motion to strike, of the character specified in Section 585, is denied, or where only one thereof is filed, if the demurrer is overruled or the motion to strike is denied, and the defendant

fails to answer the complaint within the time allowed by the court.

3. If a motion to strike, of the character specified in Section 585, is granted in whole or in part, and the defendant fails to answer the unstricken portion of the complaint within the time allowed by the court, no demurrer having been sustained or being then pending.

4. If a motion to quash service of summons or to stay or dismiss, the action has been filed or writ of mandate sought and notice thereof given, as provided in Section 418.10, and upon denial of such motion or writ, defendant fails to plead to the complaint, within the time provided in such section or as otherwise provided by law.

5. If the demurrer to the answer is sustained and the defendant fails to amend the answer within the time allowed by the court.

6. (a) If a motion to transfer pursuant to Section 396b is denied and the defendant fails to answer the complaint within the time allowed by the court or within the time provided in (c).

(b) If a motion to transfer pursuant to Section 396b is granted and the defendant fails to answer the complaint within 15 days of the mailing of notice of the filing and case number by the clerk of the court to which the action or proceeding is transferred or within the time provided in (c).

(c) If the order granting or denying a motion to transfer pursuant to Section 396a or 396b is the subject of an appeal pursuant to Section 904.2 or 904.3 in which a stay is granted or of a mandate proceeding pursuant to Section 400, the court having jurisdiction over the trial, upon application or on its own motion after such appeal or mandate proceeding becomes final or upon earlier termination of a stay, shall allow the defendant a reasonable time to answer the complaint. Notice of the order allowing the defendant further time to answer the complaint shall be promptly served by the party who obtained such order or by the clerk if the order is made on the court's own motion.

CHAPTER 588

An act to add Section 2193.8 to the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2193.8 is added to the Business and Professions Code, to read:

2193.8. Notwithstanding any other provision of this chapter, the board shall permit any person who meets the following requirements to take the written, oral, and clinical examina-

tions for a physician's and surgeon's certificate which are given to graduates of foreign medical schools:

(a) Has supplied the board with an affidavit stating that:

(1) Such person has graduated from a medical school, and received a degree of doctor of medicine, or the equivalent thereof, from such medical school; and

(2) Has graduated from a high school, or the equivalent thereof.

(3) Is unable to supply the board with such proof of the facts stated in paragraphs (1) and (2) of this subdivision, by reason of the fact that the medical school and the high school are located in a country with which the United States did not have diplomatic relations on January 1, 1970.

(b) Has been authorized to practice the arts and sciences of medicine, surgery, midwifery, and pharmacy by the Apothecaries' Hall of Dublin, or the equivalent thereof.

(c) Has been admitted as a diplomate in child health and has received a diploma in child health from the Royal College of Physicians of Ireland and the Royal College of Surgeons in Ireland, or the equivalent thereof.

(d) Has been admitted to practice medicine in a foreign country.

(e) Has completed an internship in medicine in a hospital whether in the United States or a foreign country.

(f) Has satisfied all the requirements of the Educational Council for Foreign Medical Graduates sponsored by the Association of the American Medical Colleges, American Hospital Association, American Medical Association, and the Federation of State Medical Boards of the United States, or its equivalent, and has successfully passed the examination of the council, or its equivalent, and has been awarded its certificate.

(g) Has served satisfactorily as resident in pediatrics at a hospital licensed by the State of California or other state.

(h) Has successfully fulfilled the requirements of the American Board of Pediatrics, or its equivalent, as to competency to practice pediatrics and has been declared a diplomate of the American Board of Pediatrics, or its equivalent.

If the person successfully passes the examinations, he shall be issued a physician's and surgeon's certificate.

The provisions of this section shall have no force or effect after January 1, 1974.

CHAPTER 589

An act to add Chapter 3.5 (commencing with Section 4220) to Division 5, Title 1, of the Government Code, relating to public leasebacks.

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.5 (commencing with Section 4220) is added to Division 5, Title 1, of the Government Code, to read:

CHAPTER 3.5. AWARD OF LEASEBACKS

4220. As used in this chapter:

(a) "Public leaseback" means any lease by a public entity, as lessee, of buildings, structures, or other facilities which are permanently attached to land, where the lease is between the public entity and a public leaseback corporation, as lessor, and the lease is executed before the buildings, structures or facilities have been built.

(b) "Public entity" means any city, charter city, city and county, county, district, public corporation, or political subdivision of the state.

(c) "Public leaseback corporation" means any corporation or nonprofit corporation organized or controlled by a public entity which constructs or arranges for the construction of buildings, structures, or other facilities which are permanently attached to land for public leaseback.

(d) "Public projects" means the construction of buildings, structures, or other facilities which are permanently attached to land.

4221. Any public project by a public leaseback corporation in excess of three thousand dollars (\$3,000) shall be constructed under contract awarded to the lowest responsible bidder, and such contract shall require the payment of prevailing wages as determined by the public leaseback corporation in the manner and form provided in Article 2 (commencing with Section 1770), Chapter 1, Part 7, Division 2 of the Labor Code.

4222. For the purpose of securing bids, the public leaseback corporation shall give notice of the time and place for opening bids to prospective bidders by publication once a week for two consecutive weeks in a newspaper of general circulation printed and published in the jurisdiction in which the land is located, or if located in more than one jurisdiction, in such a newspaper in a jurisdiction in which a major portion of the project is to be done. If there is no such newspaper, then publication shall be in a newspaper of general circulation circulating in the jurisdiction.

4223. All bids shall be presented under sealed cover. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids by written request for the withdrawal of the bid filed with the public leaseback corporation. The request shall be executed by the bidder or his duly authorized representative. The withdrawal of a bid does not prejudice the right of the bidder to submit a new bid. Whether or not bids are opened exactly at the time fixed in

the public notice for opening bids, a bid shall not be received after that time.

4224. If the public leaseback corporation deems the acceptance of the lowest responsible bid is not in the best interests of the public entity the public leaseback corporation may reject all bids and advertise for other bids in the manner required by this chapter.

CHAPTER 590

An act to add Section 1987.3 to the Code of Civil Procedure, relating to process.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1987.3 is added to the Code of Civil Procedure, to read:

1987.3. When a subpoena duces tecum is served upon a custodian of records or other qualified witness as provided in Article 4 (commencing with Section 1560) of Chapter 2 of Division 11 of the Evidence Code, and his personal attendance is not required by the terms of the subpoena, Section 1989 shall not apply.

CHAPTER 591

An act to amend Sections 709 and 720 of the Probate Code, relating to estates.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 709 of the Probate Code is amended to read:

709. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had against decedent's estate in the action unless proof is made of such filing or presentation; provided, if the action which is pending is an action for damages and the decedent was insured therefor and the insurer has accepted the defense of the cause and an appearance has been made in such action on behalf of the decedent, no claim shall be required except for amounts in excess of or not covered by such insurance; provided, further, if any action is pending against the decedent at the time of his death and a claim based on such action is not filed

or presented within the prescribed period, the court may thereafter allow filing of said claim on such terms as may be just and equitable, upon the claimant's verified petition and notice of hearing given pursuant to Section 1200, if it finds that the claim was not filed or presented previously because neither the claimant nor his attorney had actual knowledge of the decedent's death at least 15 days prior to the expiration of the prescribed period for filing or presenting the claim, but any property distributed pursuant to court order or any payment properly made before notice of such petition shall not be subject to the claim.

No relief shall be granted unless the petition is filed within a reasonable time after discovery of decedent's death and in any event within one year after the expiration of said prescribed period, and before petition for final distribution has been filed.

If, at the time of filing the petition hereunder, assets of the estate have been paid to general creditors or some thereof or have been distributed by decree of preliminary distribution to heirs, devisees or legatees (in either case after expiration of the prescribed time for claims), and it appears that the filing and later establishment of the claim, in the circumstances, would cause or tend to cause unequal treatment between heirs, devisees, legatees or creditors, then permission to file the claim shall be denied.

SEC. 2. Section 720 of the Probate Code is amended to read:

720. If a claim for damages for injuries to, or death of, a person, for which no action specified in Section 709 was pending at the time of the decedent's death, is not filed within the time otherwise limited by this article, the court, upon application of the claimant made not later than one year after accrual of the claimant's cause of action, and upon such notice and hearing, if any, as the court may order, shall permit the filing of the claim and, if required, appoint or reappoint a personal representative. Neither the filing of the claim pursuant to this section nor its later establishment, in whole or in part, shall make property distributed pursuant to court order or any payments properly made before notice of such application subject to the claim. The personal representative, distributee, or payee shall not be liable on account of such prior distribution or payment. The court shall impose reasonable conditions upon the filing of the claim to avoid unequal treatment between the heirs, devisees, legatees, or creditors of the estate.

This section shall not be applicable to claims of public entities under Section 707.5.

CHAPTER 592

An act to amend Sections 18400.5 and 18411 of, and to add Section 18410.5 to, the Elections Code, relating to elections.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18400.5 of the Elections Code is amended to read:

18400.5. Notwithstanding the provisions of Section 18400, Sections 18409, 18410, 18410.5 and 18411 shall apply to elections in general law cities.

SEC. 2. Section 18410.5 is added to the Elections Code, to read:

18410.5. In those counties where the election board provides for the ballots cast in any precinct to be counted at a central counting place or places, the board or person who canvasses the returns may appoint not less than three deputies to open the envelopes or containers in the precinct returns.

If, after examination by the board or person conducting the canvass or their deputies, any precinct returns are still incomplete, ambiguous, not properly authenticated, or otherwise defective, the board or person canvassing the returns may require the attendance of the precinct board members before it or him as provided in Section 18409.

SEC. 3. Section 18411 of the Elections Code is amended to read:

18411. The board or officer conducting the canvass shall not open any ballots or permit any ballots to be opened except as permitted in Sections 18410 and 18410.5 and by Article 4 (commencing with Section 18500) of this chapter.

CHAPTER 593

An act to amend Section 5328 of the Welfare and Institutions Code, relating to mental health records.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 5328 of the Welfare and Institutions Code is amended to read:

5328. All information and records obtained in the course of providing services under Division 5 (commencing with Section 5000), Division 6 (commencing with Section 6000), or Division 7 (commencing with Section 7000) to either voluntary or involuntary recipients of services shall be confidential. Information and records may be disclosed only:

(a) In communications between qualified professional persons in the provision of services or appropriate referrals, or in the course of conservatorship proceedings;

(b) When the physician in charge of the patient, with the approval of the patient, designates persons to whom information or records may be released, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(c) To the extent necessary to make claims on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled;

(d) If the recipient of services is a ward or conservatee, and his guardian or conservator designates, in writing, persons to whom records or information may be disclosed, except that nothing in this article shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(e) For research, provided that the Director of Mental Hygiene designates by regulation, rules for the conduct of research. Such rules shall include, but need not be limited to, the requirement that all researchers must sign an oath of confidentiality as follows:

Date

As a condition of doing research concerning persons who have received services from ----- (fill in the facility, agency or person), I, -----, agree not to divulge any information obtained in the course of such research to unauthorized persons, and not to publish or otherwise make public any information regarding persons who have received services such that the person who received services is identifiable.

I recognize that unauthorized release of confidential information may make me subject to a civil action under provisions of the Welfare and Institutions Code.

Signed

(f) To the courts, as necessary to the administration of justice.

(g) To governmental law enforcement agencies as needed for the protection of federal and state elective constitutional officers and their families.

CHAPTER 594

An act to amend Section 22551 of the Education Code, relating to education.

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22551 of the Education Code is amended to read:

22551. The university may provide instruction in the liberal arts and sciences and in the professions, including the teaching profession. The university has exclusive jurisdiction in public higher education over instruction in the profession of law, and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine.

CHAPTER 595

*An act to add Section 11710 to the Education Code,
relating to pupil emergency information.*

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11710 is added to the Education Code, to read:

11710. For the protection of a pupil's health and welfare, the governing board of a school district may require the parent or legal guardian of a pupil to keep current at the pupil's school of attendance, emergency information including the home address and telephone number, business address and telephone number of the parents or guardian, and the name, address and telephone number of a relative or friend who is authorized to care for the pupil in any emergency situation if the parent or legal guardian cannot be reached.

CHAPTER 596

*An act to amend Section 21113 of the Vehicle Code,
relating to traffic regulations.*

[Approved by Governor August 4, 1970. Filed with
Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person, stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or unit of the state park sys-

tem or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or office of the public school, state university, state college, state, county, hospital district, or municipal airport, institution or building, or educational institution, or the Director of Parks and Recreation regarding units of the state park system.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

CHAPTER 597

An act to amend Section 9303.5 of the Education Code, relating to textbooks.

[Approved by Governor August 4, 1970. Filed with Secretary of State August 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9303.5 of the Education Code is amended to read:

9303.5. (a) Except as provided in subdivision (b), before final adoption of a textbook, or a textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 50 public, school, or college libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

(b) Before final adoption of a United States history textbook, or a United States history textbook the content of which is substantively revised or modified whether previously made available for public inspection or not, it shall be made available for public inspection for 60 days in at least 200 public, school, or college libraries throughout the state. The State Board of Education shall determine the location of such textbook displays.

CHAPTER 598

An act to add Section 21801 to the Education Code, relating to bonds of school districts.

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 21801 is added to the Education Code. to read:

21801. When authorized by the governing board of a school district, bonds of a school district may be offered for sale as a group by the board of supervisors of the county, the county superintendent of which has jurisdiction over the district, at a time determined by the board of supervisors following receipt of a resolution duly adopted by the governing board of the school district. The resolution shall prescribe the total amount of bonds to be sold. The resolution may also prescribe the maximum acceptable interest rate, not to exceed 7 percent. and the time or times when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 25 years from the date of the bonds. Bidders shall be required to bid a lump sum bid on all bonds as a group. If bids satisfactory to the governing board of each school district included in the group are received, the bonds offered for sale shall be awarded to the bidder whose bid will result in the lowest net interest cost for the group or for the bonds of any district included within the group. Bonds shall be issued and sold in the name of each school district in the same manner as provided in this chapter.

CHAPTER 599*An act to add Section 5201.1 to the Education Code, relating to school holidays, and declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 4, 1970 Filed with
Secretary of State August 4, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 5201.1 is added to the Education Code, to read:

5201.1. (a) Notwithstanding any other provision of Sections 5201 to 5210, inclusive, whenever the Governor appoints any other day as a holiday and does not provide for the closing of the public schools, but such public schools do close, such closing shall be deemed a closing for a holiday declared by the governing board pursuant to the provisions of Section 5202.

(b) All certificated employees shall be deemed to have served the public schools on holidays appointed by the Governor during the calendar year of 1969.

All payments to certificated employees of the public schools for the holidays appointed by the Governor heretofore made during the calendar year 1969, shall be deemed to have been earned and the payments therefore are validated, and any certificated employee of the public schools shall be granted and paid for such holidays appointed by the Governor during the calendar year 1969 as provided for in Section 13520, if the appointed holiday occurred during the school term. In the event the holiday occurred during summer school, the certificated employee shall be paid for the appointed holiday in an amount such certificated employee would have received had he served on such holiday, which amount shall be determined in accordance with the rate of pay he is receiving pursuant to Section 13521.1.

(c) All classified employees shall be deemed to have served the public schools on holidays appointed by the Governor during the calendar year of 1969.

All payments to classified employees of the public schools for the holidays appointed by the Governor heretofore made during the calendar year 1969, shall be deemed to have been earned and the payments therefore are validated. Any school district which closed schools during calendar year 1969 for holidays appointed by the Governor but did not pay classified employees for those holidays shall do so, and employee entitlement shall be established under Section 13656.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to permit the uniform granting of holidays and pay for employees in the public schools, it is necessary that this act take effect immediately.

CHAPTER 600

An act to amend Section 8214.1 of the Government Code, relating to notaries public.

[Approved by Governor August 5, 1970. Filed with Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8214.1 of the Government Code is amended to read:

8214.1. The Secretary of State may refuse to appoint any person as notary public upon any of the grounds set forth

in subdivisions (a) through (d) hereof, and the Secretary of State may revoke or suspend the commission of any notary public upon any of the grounds set forth in subdivisions (b) through (h) hereof:

(a) Failure to meet the good moral character requirement set forth in subdivision (d) of Section 8201.

(b) Substantial and material misstatement or omission in the application submitted to the Secretary of State.

(c) Conviction of a felony or of a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public.

(d) Revocation or suspension of a professional license, if such revocation or suspension was for misconduct or dishonesty.

(e) Failure to fully and faithfully discharge any of the duties required of him by this chapter.

(f) When adjudged liable for damages in any suit grounded in fraud, misrepresentation or violation of the state regulatory laws or in any suit based upon his failure to discharge fully and faithfully his duties as a notary public.

(g) The use of false or misleading advertising wherein he has represented that he has duties, rights or privileges that he does not possess by law.

(h) The practice of law in violation of Section 6125 of the Business and Professions Code.

If there is a revocation or suspension of a commission pursuant to this section, or a denial of a commission, the person affected shall have the right to a hearing on the matter and such proceeding shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 601

An act to add Section 155.1 to the Revenue and Taxation Code, relating to the assessment or reassessment of damaged or destroyed property in disaster areas, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 1970. Filed with Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 155.1 is added to the Revenue and Taxation Code, to read:

155.1. Notwithstanding any provision of law to the contrary, the board of supervisors may, in any year, by ordinance, provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession, or under his control, any taxable property, or who

acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, apply for reassessment of such property by delivering to the assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars (\$1,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars (\$1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars (\$1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed

at the rate established for property on the secured roll for the current fiscal year, said prorate to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for the said fiscal year, said proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state. As used in this section "board of supervisors" includes the city council of any city which does its own assessing of property for tax purposes and collection of property taxes.

SEC. 2. For property damaged subsequent to March 1, 1969, counties not expressly reassessing damaged property pursuant to this act are conclusively presumed to be reassessing pursuant to other authority.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The disastrous storms and floods in the northern part of this state have damaged and destroyed property to such an extent that, unless relief is given to the owners of such property, there is grave danger that they will be unable to pay the taxes levied thereon. In order that property tax relief may be provided at the earliest possible time to persons in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 602

An act to amend Sections 1033, 1033.7, and 1034.5 of the Code of Civil Procedure, relating to costs.

[Approved by Governor August 5, 1970. Filed with Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1033 of the Code of Civil Procedure is amended to read:

1033. In superior courts, municipal courts and in justice courts the party in whose favor the judgment is ordered, and who claims his costs, must serve upon the adverse party, and file at any time after the verdict or decision of the court, and not later than 10 days after the entry of the judgment, a memorandum of the items of his costs and necessary disbursements in the action or proceeding, which memorandum must be verified by the oath of the party, or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and that the disbursements have been necessarily incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within 10 days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered, or by the judge thereof at chambers.

The clerk or judge shall include in the judgment, or any part of a judgment, entered up by him based upon a cause of action in contract where the claim was unliquidated, interest on the verdict or decision of the court from the date prior to the entry of judgment as may have been fixed by the court pursuant to subdivision (b) of Section 3287 of the Civil Code, and the costs, if the same have been taxed or ascertained. In any other case, and where the court determines that interest should not be recovered from a date prior to the entry of judgment under subdivision (b) of Section 3287 of the Civil Code, the clerk or judge shall include in the judgment entered up by him, any interest on the verdict or decision of the court, from the time it was rendered or made, and the costs, if the same have been taxed or ascertained. The clerk or judge shall, within two days after the costs are tried or ascertained, if not included in the judgment, insert the same in a blank left in the judgment for that purpose, and shall make a similar insertion of the costs in the copies.

SEC. 2. Section 1033.7 of the Code of Civil Procedure is amended to read:

1033.7. In superior courts, municipal courts, and justice courts, the judgment creditor claiming costs consisting of one or more of the following items:

(a) Statutory fees for preparing or issuing an abstract of judgment;

(b) Statutory fees for recording, receiving, or filing an abstract of judgment;

(c) Statutory fees for issuing a writ of execution, a writ of restitution, a writ of possession, a writ of prohibition, or any writ for the enforcement of any order or judgment;

(d) Statutory fees for issuing an order of sale;

(e) Statutory fees (including mileage) of sheriffs, con-

stables, or marshals in connection with serving, executing or levying any writ or making return; for keeping or caring for property held by virtue thereof;

(f) Costs or disbursements incurred in connection with any proceeding supplementary to execution which have been approved as to necessity, propriety, and amount by the judge or referee conducting the same in his order upon such proceeding;

must serve upon the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a memorandum of the items of his such costs and necessary disbursements, which memorandum must be verified by the oath of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct and that they have been necessarily or reasonably incurred in the action or proceeding. A party dissatisfied with the costs claimed may, within 10 days after the service of a copy of the bill of costs, file a motion to have the same taxed by the court in which the judgment was rendered or by the judge thereof at chambers.

In superior courts, municipal courts, and justice courts a judgment creditor claiming costs or necessary disbursements reasonably incurred in aid of the collection of such judgment or of any execution issued thereon; other than those hereinbefore specified; including items which have been disallowed by the judge or referee in the supplemental proceeding, must serve the adverse party either personally or by mail and file at any time or times not more than six months after such item has been incurred, and prior to the time the judgment is fully satisfied, a notice of motion for an order allowing the same, specifying the items claimed and the amount thereof, and supported by an affidavit of the party or his attorney or agent, or by the clerk of his attorney, stating that to the best of his knowledge and belief the items are correct, and showing that the costs have been reasonable, and the disbursements reasonably and necessarily incurred. The court or judge hearing such motion shall make such order respecting the costs or disbursements so claimed as the circumstances justify, allowing the same in whole or in part, or disallowing the same.

Within two days after the said costs are tried or ascertained, or after the time for making a motion to tax the same shall have expired, the clerk or judge shall enter the amount thereof on the margin of the judgment, and thereafter they shall be included, together with the amount of the fee charged for issuance thereof, in any execution issued upon such judgment.

Sec. 3. Section 1034.5 of the Code of Civil Procedure is amended to read:

1034.5. In unlawful detainer proceedings, the plaintiff who recovers judgment for the restitution of premises and who advances or pays to the sheriff or marshal the costs required by him for the eviction of any person or persons in possession or

occupancy of said premises and the personal property of such person or persons, shall, within 10 days after being advised by the sheriff or marshal of the exact amount of such funds necessarily used and expended to effect such eviction, file a supplemental cost bill in the court in which the judgment was rendered claiming such additional costs and specify the items so paid and the amount thereof; the defendant may move to retax such costs within 10 days after service upon him of said cost bill; when fixed by the court, or upon failure of the defendant to file notice of motion to retax the same within 10 days after said service, judgment for such costs shall be immediately entered by the clerk and plaintiff may have execution therefor.

CHAPTER 603

An act to add Section 3044.10 to the Business and Professions Code, relating to optometry.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3044.10 is added to the Business and Professions Code, to read:

3044.10. Any person who shows documented proof of a medical discharge from the armed forces, or shows documented proof of retirement from the armed forces after 20 years of service as an optometrist, who has been licensed to practice optometry in another state, and who has graduated from an institution of optometry accredited by the board shall be given an examination as prescribed by the board and shall be issued a certificate if he receives a passing grade in such examination as determined by the board.

The provisions of this section shall have no force or effect after January 1, 1973.

CHAPTER 604

An act to amend Section 394 of the Code of Civil Procedure, relating to venue.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 394 of the Code of Civil Procedure is amended to read:

394. (1) An action or proceeding against a county, or city and county, or local agency, may be tried in such county, or city and county, or the county in which such local agency is

situated, unless such action or proceeding is brought by a county, or city and county, or local agency, in which case it may be tried in any county, or city and county, not a party thereto and in which the local agency is not situated. Whenever an action or proceeding is brought by a county, city and county, city, or local agency within a certain county, or city and county, against a resident of another county, city and county, or city, or a corporation doing business in the latter, the action or proceeding must be, on motion of either party, transferred for trial to a county, or city and county, other than the plaintiff, if the plaintiff is a county, or city and county, and other than that in which the plaintiff is situated, if the plaintiff is a city, or a local agency, and other than that in which the defendant resides, or is doing business, or is situated. Whenever an action or proceeding is brought against a county, city and county, city, or local agency, in any county, or city and county, other than the defendant, if the defendant is a county, or city and county, or, if the defendant is a city, or local agency, other than that in which the defendant is situated, the action or proceeding must be, on motion of the said defendant, transferred for trial to a county, or city and county, other than that in which the plaintiff, or any of the plaintiffs, resides, or is doing business, or is situated, and other than the plaintiff county, or city and county, or county in which such plaintiff city or local agency is situated, and other than the defendant county, or city and county, or county in which such defendant city or local agency is situated; provided, however, that any action or proceeding against the city, county, city and county, or local agency for injury occurring within the city, county, or city and county, or within the county in which such local agency is situated, to person or property or person and property caused by the negligence or alleged negligence of such city, county, city and county, local agency, or its agents or employees, shall be tried in such county, or city and county, or if a city is a defendant, in such city or in the county in which such city is situated, or if a local agency is a defendant, in such county in which such local agency is situated. In any such action or proceeding, the parties thereto may, by stipulation in writing, or made in open court, and entered in the minutes, agree upon any county, or city and county, for the place of trial thereof. When the action or proceeding is one in which a jury is not of right, or in case a jury be waived, then in lieu of transferring the cause the court in the original county may request the chairman of the judicial council to assign a disinterested judge from a neutral county to hear said cause and all proceedings in connection therewith. When such action or proceeding is transferred to another county for trial, a witness required to respond to a subpoena for a hearing within the original county shall be compelled to attend hearings in the county to which the cause is trans-

ferred. If the demand for transfer be made by one party and the opposing party does not consent thereto the additional costs of the nonconsenting party occasioned by the transfer of the cause, including living and traveling expenses of said nonconsenting party and material witnesses, found by the court to be material, and called by such nonconsenting party, not to exceed five dollars per day each in excess of witness fees and mileage otherwise allowed by law, shall be assessed by the court hearing the cause against the party requesting the transfer. To the extent of such excess, such costs shall be awarded to the nonconsenting party regardless of the outcome of the trial. This section shall apply to actions or proceedings now pending or hereafter brought.

(2) Any court in a county hereinabove designated as a proper county, which has jurisdiction of the subject matter of the action or proceeding, is a proper court for the trial thereof.

(3) For the purposes of this section, "local agency" shall mean any governmental district, board, or agency, or any other local governmental body or corporation, but shall not include the State of California or any of its agencies, departments, commissions, or boards.

CHAPTER 605

An act to amend Section 842.1 of the Probate Code, relating to leasing of estate property.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 842.1 of the Probate Code is amended to read:

842.1. In addition to the cases provided in Section 842, the court may authorize the giving of a lease for longer than 10 years when the verified petition alleges facts showing the need for such longer lease and its advantage to the estate and the persons interested therein. The petitioner shall cause notice of such hearing to be mailed, at least 20 days before the hearing, to the persons named as legatees and devisees or, in an intestacy proceeding, to the persons named as heirs, whose names and addresses appear in the estate proceeding, and shall give such further notice, if any, as the court may direct, which notice shall be in addition to the notice required by Section 841. The court shall not make the order if any heir, legatee, or devisee who has an interest in the property to be leased objects at the hearing.

CHAPTER 606

An act to amend Section 15010.5 of the Corporations Code, relating to partnerships.

[Approved by Governor August 5, 1970. Filed with Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15010.5 of the Corporations Code is amended to read:

15010.5. (1) A statement of partnership, in the name of the partnership, signed, acknowledged and verified by two or more of the partners, or such a statement signed by two or more of the partners as individuals, acknowledged and verified by each signing partner, may be recorded in the office of the county recorder of any county. Such recorded statement, or a copy thereof certified by any recorder in whose office it or a copy thereof so certified is recorded, may be recorded in any other county or counties. The statement shall set forth the name of the partnership and the name of each of the partners, and shall state that the partners named are all of the partners. If a partnership is not dissolved by the death or by the withdrawal of a partner by reason of an agreement provided for in subdivision (4) or (7) of Section 15031 the statement or amended statement may state the name and date of death or withdrawal of such deceased or withdrawing (whether voluntarily or involuntarily according to the terms of the agreement) partner and that the partnership was not dissolved by reason of such death or withdrawal because of the existence of such agreement.

It shall be conclusively presumed, in favor of any bona fide purchaser for value of the partnership real property located in a county in which such statement or such certified copy thereof has been recorded, that the persons named as partners therein are members of the partnership named and that they are all of the members of the partnership, and that any partner stated to be dead is deceased, and any partner stated to have withdrawn has withdrawn therefrom, and that the partnership was not dissolved by reason of such death or withdrawal, unless there is recorded by anyone claiming to be a partner, or a personal representative, whether executor, administrator, guardian or conservator, of such partner, a statement of partnership, verified and acknowledged by the person executing it, which shall set forth the name of the partnership, a statement that such person claims to be a member of such partnership, or a personal representative of such member, or a statement that any of the persons named in a previously recorded statement of partnership are not members of such partnership.

(2) As used in this section and in Section 15010, "conveyance" includes every instrument in writing by which any

estate or interest in real estate is created, aliened, mortgaged, or encumbered, or by which the title to any real property may be affected, except wills; "convey" includes the execution of any such instrument; and "purchaser" includes any person acquiring an interest under any such instrument.

CHAPTER 607

An act to maintain the Public Resources Code by amending Sections 6216 and 6325, and repealing Sections 5006.4, 6216.5, and 6303.2, relating to public resources.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5006.4 of the Public Resources Code is repealed.

SEC. 2. Section 6216 of the Public Resources Code is amended to read:

6216. This section is enacted for the purpose of declaring the scope and extent of the powers, duties, purposes, responsibilities and jurisdiction of the State Lands Commission, but nothing herein shall be construed as limiting any power, duty, purpose, responsibility or jurisdiction heretofore or by this code vested in or conferred upon the commission.

(a) Upon the enacting of the State Lands Act of 1938 the Legislature intended to and did vest in the commission all those powers, duties, purposes, responsibilities and jurisdiction of the Department of Finance as set forth in Section 6102 of this code, and of the Chief of the Division of State Lands, and the Division of State Lands, including the full authority, as provided by law, to administer, sell, lease or dispose of the public lands owned by this state or under its control, including not only school lands but tidelands, submerged lands, swamp and overflowed lands, and beds of navigable rivers and lakes. The commission was further authorized to provide for the extraction of minerals and oil and gas from any or all of such lands, but its authority and jurisdiction over such lands was not and is not now limited thereto.

(b) The provisions of Section 48 of the State Lands Act of 1938, added thereto by Chapter 646 of the Statutes of 1939, as codified in Section 6301 of this code, shall hereafter supersede and control over any other provisions of law, whether general or special, relating to any tidelands or submerged lands or the beds of navigable rivers, streams, lakes, bays, estuaries, inlets or straits, without regard to whether any of such lands contain or may contain oil, gas or other minerals, and any such other provisions of law in conflict therewith are repealed.

(c) Any and all acts of the State Lands Commission heretofore performed by it in pursuance of Section 48 of the State

Lands Act of 1938 are hereby confirmed, ratified and validated, without regard to whether the lands affected thereby contain or might contain oil, gas or other minerals.

SEC. 3. Section 6216.5 of the Public Resources Code is repealed.

SEC. 4. Section 6303.2 of the Public Resources Code is repealed.

SEC. 5. Section 6325 of the Public Resources Code is amended to read:

6325. The authority granted under this chapter does not obviate the necessity for the applicant to obtain permission from the proper federal agencies to construct, alter, or maintain the structures herein authorized.

SEC. 6. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 608

An act to amend Sections 22451 and 22452 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 5, 1970 Filed with
Secretary of State August 5, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 22451 of the Vehicle Code is amended to read:

22451. (a) The driver of any vehicle approaching a railroad grade crossing shall stop not less than 15 feet from the nearest rail and shall not proceed until he can do so safely, whenever the following conditions exist:

(1) A clearly visible electric or mechanical signal device or a flagman gives warning of the approach or passage of a train or car.

(2) An approaching train or car is plainly visible or is emitting an audible signal and, by reason of its speed or nearness, is an immediate hazard.

(b) No driver shall proceed through, around or under any railroad crossing gate while such gate is closed.

SEC. 2. Section 22452 of the Vehicle Code is amended to read:

22452. (a) The provisions of this section shall apply to the operation of the following vehicles:

Any bus carrying passengers for hire.

Any motortruck transporting employees in addition to those riding in the cab.

Any bus transporting employees.

Any schoolbus carrying any schoolchild.

Any bus transporting minors on any outing organized on a group basis.

Any vehicle carrying explosive substances as a cargo or part of a cargo.

Any tank vehicle as defined in Section 34003 whether loaded or empty.

Any vehicle transporting more than 120 gallons of flammable liquids or liquefied petroleum gas in containers having a capacity of more than 20 gallons as a cargo or major portion of a cargo.

(b) Before traversing a railroad grade crossing, the driver of any vehicle described in subdivision (a) shall stop such vehicle not less than 15 nor more than 50 feet from the nearest rail of the track and while so stopped shall listen, and look in both directions along the track, for any approaching train and for signals indicating the approach of a train, and shall not proceed until he can do so safely. Upon proceeding, the gears shall not be shifted manually while crossing the tracks.

(c) No stop need be made at any such crossing:

(1) Of railroad tracks running along and upon the roadway within a business or residence district.

(2) Where a traffic officer or an official traffic control signal directs traffic to proceed.

(3) Of an industrial or spur track as defined by the Public Utilities Commission, or a branch line having less than daily train service which crosses a street leading to a public ferry, provided that a distinctive sign as authorized by that commission is displayed.

CHAPTER 609

An act to add Section 5304 to the Government Code, relating to signatures.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5304 is added to the Government Code, to read:

5304. If any officer or deputy whose signature, counter-signature or attestation appears on bonds or coupons ceases to be such officer or deputy before delivery of the bonds, his signature, countersignature or attestation appearing either on the bonds or coupons or both is valid and sufficient for all purposes to the same extent as if he had remained in office until the delivery of the bonds.

CHAPTER 610

An act to add Section 25643 to, and to repeal Sections 25642 and 25643 of, the Government Code, relating to fire protection.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25642 of the Government Code is repealed.

SEC. 2. Section 25643 of the Government Code is repealed.

SEC. 3. Section 25643 is added to the Government Code, to read:

25643. The board of supervisors of a county shall determine each year such sum of money as the board of supervisors deems necessary for fire protection services within the county, excluding therefrom any city or district which is at such time providing fire protection services within such city or district. Except for the costs of forest, range, and watershed fire protection within state responsibility areas as defined in Part 2 (commencing with Section 4101) of Division 4 of the Public Resources Code, for which the county is not reimbursed by the state, the taxes for the costs of county fire protection services shall be levied only on property within the county served by and benefiting from county fire protection services, or such costs shall be paid from other nonproperty tax revenues collected within the unincorporated area of the county.

Every city or district which provides its own fire protection services, and which prior to March 1 of any year files with the board of supervisors of the county a resolution declaring that such city or district is providing fire protection services within its jurisdiction, shall not be assessed during the following fiscal year and any year thereafter for any portion of the costs of county fire protection services.

This section shall not apply to a county of the second class.

CHAPTER 611

An act to amend Section 16200.5 of the Welfare and Institutions Code, relating to licensing and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16200.5 of the Welfare and Institutions Code is amended to read:

16200.5. Notwithstanding any other provision of law any

health facility or institution licensed by the Department of Public Health or the Department of Mental Hygiene may, upon application, be licensed under the provisions of this chapter, provided the applicant complies with the provisions of this chapter and the rules and regulations promulgated by the department pursuant to the provisions of this chapter as these rules and regulations apply to facilities for the care of the aged licensed and in operation on the effective dates of such rules and regulations, except that the facilities licensed pursuant to this section shall comply with all such rules and regulations on or before July 1, 1972.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the time extension on licensing to go into effect before the present deadline is past, this act must go into effect immediately.

CHAPTER 612

An act to amend Sections 23002, 25102, 25104, 25111, 25115, 25503, and 25507 of the Corporations Code, relating to corporate securities.

[Approved by Governor August 5, 1970 Filed with
Secretary of State August 5, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 23002 of the Corporations Code is amended to read:

23002. A qualification of the sale of securities by the Commissioner of Corporations finding that an unincorporated trust or association is a real estate investment trust shall be conclusive evidence thereof, so far as Section 23001 is concerned, as to all persons who become shareholders or beneficiaries of the unincorporated trust or association after the effective date of the qualification and prior to its suspension or revocation, if any, and as to all obligations of the unincorporated trust or association arising after the effective date of this part, whether they arose before or after the effective date of the qualification, and prior to suspension or revocation of the qualification. Expiration of the effective period of the qualification shall not be deemed a suspension or revocation within the meaning of this section.

SEC. 2. Section 25102 of the Corporations Code is amended to read:

25102. The following transactions are exempted from the provisions of Section 25110:

(a) Any offer (but not a sale) not involving any public offering and the execution and delivery of any agreement for

the sale of securities pursuant to such offer if (1) the agreement contains substantially the following provision: "The sale of the securities which are the subject of this agreement has not been qualified with the Commissioner of Corporations of the State of California and the issuance of such securities or the payment or receipt of any part of the consideration therefor prior to such qualification is unlawful. The rights of all parties to this agreement are expressly conditioned upon such qualification being obtained."; and (2) no part of the purchase price is paid or received and none of the securities are issued until the sale of such securities is qualified under this law.

(b) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of such act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(c) Any offer (but not a sale) and the execution and delivery of any agreement for the sale of securities pursuant to such offer as may be permitted by the commissioner upon application. Any negotiating permit under this subdivision shall be conditioned to the effect that none of the securities may be issued and none of the consideration therefor may be received or accepted until the sale of such securities is qualified under this law.

(d) Any transaction or agreement between the issuer and an underwriter or among underwriters if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any evidence of indebtedness, whether secured or unsecured, and any guarantee thereof, in a transaction not involving any public offering.

(f) Any offer or sale, in a transaction not involving any public offering, of any bona fide general partnership, joint venture or limited partnership interest, or any beneficial interest in a trust which is a "security" within the meaning of Section 25019, if in the case of such beneficial trust interests immediately after the sale and issuance they are owned by no more than five persons.

(g) Any offer or sale of conditional sale agreements, equipment trust certificates, or certificates of interest or participation therein or partial assignments thereof, covering the purchase of railroad rolling stock or equipment or the purchase of motor vehicles, aircraft, or parts thereof, in a transaction not involving any public offering.

(h) Any offer or sale of voting common stock by a corporation incorporated in California if, immediately after the proposed sale and issuance, there will be only one class of stock of such corporation outstanding which is owned beneficially by no more than five persons, provided all of the following requirements have been met:

(1) All such stock shall be evidenced by certificates which shall have stamped or printed prominently on their face a legend in a form to be prescribed by rule of the commissioner restricting transfer of such stock in such manner as the rule provides.

(2) The offer and sale of such stock is not accompanied by the publication of any advertisement, and no selling expenses have been given, paid, or incurred in connection therewith.

(3) The consideration to be received by the issuer for the stock to be issued shall consist of (i) only assets (which may include cash) of an existing business enterprise transferred to the issuer upon its initial organization, of which all of the persons who are to receive the stock to be issued pursuant to this exemption were owners during, and such enterprise was operated for, a period of not less than one year immediately preceding the proposed issuance, and the ownership of such enterprise immediately prior to such proposed issuance was in the same proportions as the shares of stock are to be issued, or (ii) only cash or cancellation of indebtedness for money borrowed or both upon the initial organization of the issuer, provided all such stock is issued for the same price per share, or (iii) only cash, provided the sale is approved in writing by each of the existing shareholders and the purchaser or purchasers are existing shareholders, or (iv), in a case where after the proposed issuance there will be only one owner of the stock of the issuer, any legal consideration.

(4) No promotional consideration has been given, paid, or incurred in connection with such issuance. Promotional consideration means any consideration paid directly or indirectly to a person who, acting alone or in conjunction with one or more other persons, takes the initiative in founding and organizing the business or enterprise of an issuer, for services rendered in connection with such founding or organizing.

(5) A notice in a form prescribed by rule of the commissioner, signed by the proposed issuees of the securities and by the officers and directors of the issuer under penalty of perjury and stating only the name and principal business address of the issuer and the facts required by this subdivision to establish this exemption, shall be filed with or mailed for filing to the commissioner not later than the day on which such securities are issued, which notice shall contain an opinion signed by an active member of the State Bar of California to the effect that on the basis of the facts stated in the notice it is his opinion that the exemption provided by this subdivision is available for the proposed offer and sale of securities.

For the purposes of this subdivision, all securities held by a husband and wife, whether or not jointly, shall be considered to be owned by one person, and all securities held by a corporation which has issued stock pursuant to this exemption shall be considered to be held by the shareholders to whom it has issued such stock.

(i) Any offer or sale (1) to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee, or (2) to any corporation with outstanding securities registered under Section 12 of the Securities Exchange Act of 1934 or any wholly owned subsidiary of such a corporation which after the offer and sale will own directly or indirectly 100 percent of the outstanding capital stock of the issuer; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(j) Any offer or sale of any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if (1) all of the purchasers: (i) are and have been during the preceding two years engaged primarily in the business of drilling for, producing, or refining oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or (ii) are persons described in clause (1) of subdivision (i) of this section, or (iii) have been found by the commissioner upon written application to be substantially engaged in the business of drilling for, producing or refining oil or gas so as not to require the protection provided by this law (which finding shall be effective until rescinded), or (2) such security is concurrently hypothecated to a bank in the ordinary course of business to secure a loan made by such bank; provided each purchaser represents that it is purchasing for its own account for investment and not with a view to or for sale in connection with any distribution of the security.

(k) Any offer or sale of any security under, or pursuant to, a plan of reorganization or arrangement which, pursuant to the provisions of the National Bankruptcy Act, has been confirmed or is subject to confirmation by the decree or order of a court of competent jurisdiction.

(l) Any offer or sale of an option, warrant, put, call, or straddle by a person who is not the issuer of the security subject to such right, if the transaction, had it involved an offer or sale of the security subject to such right by such person, would not have violated Section 25130.

SEC. 3. Section 25104 of the Corporations Code is amended to read:

25104. The following transactions are exempted from the provisions of Section 25130:

(a) Any offer or sale of a security by the bona fide owner thereof for his own account if the sale (1) is not accompanied by the publication of any advertisement and (2) is not effected by or through a broker-dealer in a public offering.

(b) Any offer or sale effected by or through a licensed broker-dealer pursuant to an unsolicited order or offer to buy. For the purpose of this subdivision (b) an inquiry regarding a written bid for a security or a written solicitation of an offer to sell a security made by another broker-dealer within the previous 60 days, shall not be considered the solicitation of an order or offer to buy.

(c) Any offer or sale to a bank, savings and loan association, trust company, insurance company, investment company registered under the Investment Company Act of 1940, pension or profit-sharing trust (other than a pension or profit-sharing trust of the issuer), or such other institutional investor or governmental agency or instrumentality as the commissioner may designate by rule, whether the purchaser is acting for itself or as trustee; provided the purchaser represents that it is purchasing for its own account (or for such trust account) for investment and not with a view to or for sale in connection with any distribution of the security.

(d) Any transaction or agreement between a person on whose behalf an offering is made and an underwriter or among underwriters, if the sale of the securities is qualified prior to distribution thereof in this state, if any.

(e) Any offer or sale of any security by or for the account of a bona fide secured party selling the security in the ordinary course of business to liquidate a bona fide debt.

(f) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

(g) Any offer (but not a sale) of a security for which a registration statement has been filed under the Securities Act of 1933 but has not yet become effective, if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under Section 8 of that act and no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law.

(h) Any offer or sale of a security if a qualification under Chapter 2 (commencing with Section 25110) of this part for any securities of the same class has become effective within 18 months prior to such offer or sale or if a qualification under Chapter 3 (commencing with Section 25120) or Chapter 4 (commencing with Section 25130) of this part for any securities of the same class has become effective within 12 months prior to such offer or sale, provided no order under Section 25140 or subdivision (a) of Section 25143 is in effect under this law with respect to such qualification. The commissioner may, by rule or order, withhold this exemption with respect to securities qualified only pursuant to a limited offering qualification.

SEC. 4. Section 25111 of the Corporations Code is amended to read:

25111. (a) Any security for which a registration statement has been filed under the Securities Act of 1933 in connection

with the same offering may be qualified by coordination under this section either in an issuer or nonissuer transaction.

(b) An application for qualification under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in Section 25160 and the consent to service of process required by Section 25165: (1) a copy of the registration statement under the Securities Act of 1933, together with all exhibits (other than exhibits incorporated by reference and those specified by rule of the commissioner, unless requested by the commissioner); and (2) an undertaking to forward to the commissioner all future amendments to the registration statement under the Securities Act of 1933, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs. Such application must be filed with the commissioner not later than the fifth business day following filing of the registration statement with the Securities and Exchange Commission, unless such time is extended by rule or order of the commissioner.

(c) Qualification of the sale of securities under this section automatically becomes effective (and the securities may be offered and sold in accordance with the terms of the application as amended) at the moment the federal registration statement becomes effective if all the following conditions are satisfied: (1) no stop order or order under subdivision (a) of Section 25143 is in effect under this law; (2) the application has been on file with the commissioner for at least 10 days; and (3) a statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for two business days or such shorter period as the commissioner permits by rule or order and the offering is made within those limitations. The applicant shall promptly notify the commissioner by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment to the application containing the information and documents in the price amendment. "Price amendment" means the final federal amendment which includes a statement of the offering price, underwriting and selling discounts or commissions, amount of proceeds, interest, dividend or conversion rates, call prices and other matters related to the offering price. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the commissioner may enter a stop order, without notice or hearing, retroactively denying effectiveness to the application for qualification or suspending its effectiveness until compliance with this subdivision, if he promptly notifies the applicant by telephone or telegram (and promptly confirms by letter or telegram when

he notifies by telephone) of the issuance of the order. If the applicant proves compliance with the requirements of this subdivision as to notice and posteffective amendment, the stop order is void as of the time of its entry. The commissioner may by rule or order waive either or both of the conditions specified in clauses (2) and (3) of this subdivision. If the federal registration statement becomes effective before all the conditions in this subdivision are satisfied and they are not waived, the application for qualification automatically becomes effective as soon as all the conditions are satisfied. If the applicant advises the commissioner of the date when the federal registration statement is expected to become effective, the commissioner shall promptly advise the applicant by telephone or telegram, at the applicant's expense, whether all the conditions are satisfied and whether he then contemplates the institution of a proceeding under Section 25140 or 25143; but this advice by the commissioner does not preclude the institution of such a proceeding at any time.

SEC. 5. Section 25115 of the Corporations Code is amended to read:

25115. Every application for qualification of an issuer transaction under this chapter shall be signed and verified by the issuer; every application for qualification of a nonissuer transaction under Section 25111 shall be signed and verified by the person on whose behalf the offering is being made or by the issuer on behalf of such person.

SEC. 6. Section 25503 of the Corporations Code is amended to read:

25503. Any person who violates Section 25110, 25120 or 25130 shall be liable to any person acquiring from him the security sold in violation of such section, who may sue to recover the consideration he paid for such security with interest thereon at the legal rate, less the amount of any income received therefrom, upon the tender of such security, or for damages (if he no longer owns the security) equal to the difference between (a) his purchase price plus interest at the legal rate from the date of purchase and (b) the value of the security at the time it was disposed of by the plaintiff plus the amount of any income received therefrom by the plaintiff. Any person who violates Section 25120 shall be liable to any person acquiring from him the security sold in violation of such section who may sue to recover the difference between (a) the value of the consideration received by the seller and (b) the value of the security at the time it was received by the buyer, with interest thereon at the legal rate from the date of purchase. Any person on whose behalf an offering is made and any underwriter of the offering, whether on a best efforts or a firm commitment basis, shall be jointly and severally liable under this section, but in no event shall any underwriter (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share

in proportion to their respective interest in the underwriting) be liable in any suit or suits authorized under this section for damages in excess of the total price at which the securities underwritten by him and distributed to the public were offered to the public. Any tender specified in this section may be made at any time before entry of judgment. No person shall be liable under this section if the sale of the security is qualified prior to the payment or receipt of any part of the consideration for the security sold, even though an offer to sell or a contract of sale may have been made or entered into without qualification.

SEC. 7. Section 25507 of the Corporations Code is amended to read:

25507. (a) No action shall be maintained to enforce any liability created under Section 25503 (or Section 25504 insofar as it relates to that section) unless brought before the expiration of two years after the violation upon which it is based or the expiration of one year after the discovery by the plaintiff of the facts constituting such violation, whichever shall first expire.

(b) No buyer may commence an action under Section 25503 (or Section 25504 insofar as it relates to that section) if, before suit is commenced, such buyer shall have received a written offer approved as to form by the commissioner (1) stating the respect in which liability under such section may have arisen, (2) offering to repurchase the security for a cash price payable upon delivery of the security or offering to pay the buyer an amount in cash equal in either case to the amount recoverable by the buyer in accordance with Section 25503, or, offering to rescind the transaction by putting the parties back in the same position as before the transaction, (3) providing that such offer may be accepted by the buyer at any time within a specified period of not less than 30 days after the date of receipt thereof, (4) setting forth the provisions of this subdivision (b), and (5) containing such other information as the commissioner may require by rule or order, and such buyer shall have failed to accept such offer in writing within the specified period after receipt thereof.

CHAPTER 613

*An act to add Section 27297 to the Government Code,
relating to recordation of documents.*

[Approved by Governor August 5, 1970. Filed with
Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27297 is added to the Government Code, to read:

27297. For purposes of this article, a certificate describing real property and any lien thereon claimed pursuant to law for the costs of abatement of a nuisance upon such property, is an instrument affecting the title to or possession of such property.

CHAPTER 614

An act to amend Sections 69948, 69991, 70046, 70047.5, 70048, 70050.5, 70057, 70063, and 74351 of, to add Section 73649 to, and to repeal Section 73649 of, the Government Code, relating to court reporters.

[Approved by Governor August 5, 1970. Filed with Secretary of State August 5, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69948 of the Government Code is amended to read:

69948. The fee for reporting testimony and proceedings in contested cases is fifty-five dollars (\$55) a day, or any fractional part thereof.

SEC. 2. Section 69991 of the Government Code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of seven hundred fifty dollars (\$750), and for the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary; except that in each county, with a population of 88,000 and under 100,000, as ascertained and determined by Section 28020 of this code, the monthly salary shall be eight hundred dollars (\$800). All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

SEC. 3. Section 70046 of the Government Code is amended to read:

70046. In a county with a population of 503,000 or more and under 600,000, as determined by the 1960 Federal Decennial Census, each regular official reporter shall be paid an annual salary of fourteen thousand two hundred sixty-eight dollars (\$14,268), and each pro tempore official reporter shall be paid forty-five dollars (\$45) a day for the days he actually is on duty under order of the court.

SEC. 4. Section 70047.5 of the Government Code is amended to read:

70047.5. In a county with a population of 147,000 and not over 149,000, as determined by the 1960 federal census, each regular official reporter shall be paid an annual salary of thirteen thousand eight hundred dollars (\$13,800), which salary shall include payment for his services in reporting proceedings by the grand jury, the coroner and the district attorney.

Reporters pro tempore shall be paid at the rate provided in Section 69948 each day for the days they are actually on duty under order of the court, and shall receive from the county their necessary traveling and other expenses when necessarily called from other counties.

Regular official reporters shall be entitled to the same privileges with respect to retirement, vacation, sick leave and other benefits allowed to employees of the county.

In such a county the fee required by Section 70053 shall be ten dollars (\$10).

SEC. 5. Section 70048 of the Government Code is amended to read:

70048. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, regular official phonographic reporters shall be paid a monthly salary of one thousand four hundred twenty-five dollars (\$1,425).

Official phonographic reporters pro tempore shall be compensated at the rate of sixty dollars (\$60) a day, or any fractional part thereof.

SEC. 6. Section 70050.5 of the Government Code is amended to read:

70050.5. In each county with a population of 730,000 and under 850,000, as determined by the 1960 federal census, the monthly salary of the regular official phonographic reporters shall be the same as that paid to regular official phonographic reporters of the superior court in counties having a population of over 6,000,000. Pro tempore reporters in each county with a population of 730,000 and under 850,000, as determined by the 1960 federal census, shall receive a daily per diem in the same amount as that paid pro tempore superior court reporters in counties having a population of over 6,000,000.

Length of employment for compensation purposes under this section shall mean length of employment in either the municipal court or superior court of such county.

All regular official phonographic reporters appointed prior to the effective date of this section shall receive the monthly salary set forth in the maximum step of the pertinent salary schedule used in counties having a population of over 6,000,000.

Official phonographic reporters appointed subsequent to the effective date of this section shall be compensated at whatever step of the pertinent salary schedule used in counties

with a population of over 6,000,000 the majority of the judges of such court may deem appropriate.

SEC. 7. Section 70057 of the Government Code is amended to read:

70057. In a county with a population of 1,000,000 and under 2,000,000, as determined by the 1960 federal census, the fee required by Section 70053 shall be thirteen dollars and fifty cents (\$13.50).

SEC. 8. Section 70063 of the Government Code is amended to read:

70063. In any county having a population of 50,000 and not over 55,000, as determined by the 1960 federal census, the official phonographic reporters shall perform the following duties:

- (1) Report all proceedings before the superior court;
- (2) Report the proceedings of the grand jury;
- (3) Act as the secretary of, and render stenographic and clerical assistance to, the judge of the department to which they are assigned by the presiding judge.

The official phonographic reporters of such county shall be paid for their services at a monthly salary rate established according to the following salary schedule:

Step A	Step B	Step C	Step D	Step E
\$1,125	\$1,175	\$1,225	\$1,275	\$1,325

Except as otherwise provided herein, a person appointed as a regular official phonographic reporter shall receive for his first six months of service a monthly salary at the rate specified in step A. Upon the first day of the month following six months continuous service, such person shall receive a monthly salary at the rate specified in step B. On or after the first day of the month following each ensuing 12 months of continuous service the salary of such person shall be increased to the rate specified in the next higher step of the salary schedule until his salary equals the sum specified in step E of the schedule. All other regular official phonographic reporters shall receive monthly salaries under the schedule according to the length of their service.

The fee required by Section 70053 shall be five dollars (\$5).

SEC. 9. Section 73649 of the Government Code is repealed.

SEC. 10. Section 73649 is added to the Government Code, to read:

73649. Official reporters in the Municipal Court of the El Cajon Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive the same monthly salary or per diem as is paid the official reporters of the Superior Court in the County of San Diego. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro

tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the Superior Court in the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund, including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

SEC. 11. Section 74351 of the Government Code is amended to read:

74351. Official reporters in the Municipal Court of the San Diego Judicial District appointed pursuant to Section 72194 shall be attachés of such court, and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court in the County of San Diego. There shall also be one official reporter appointed by the court as chief reporter, such appointment to be entered upon the minutes of the court, who shall receive compensation in the sum of 10 percent per month in addition to any sum otherwise provided by this section. These salaries shall be a charge against the general fund of the county.

Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the superior court in the County of San Diego, which shall be a charge against the general fund of the County of San Diego.

Fees for transcription of testimony and proceedings in such court shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law the court may direct the payment of transcription fees out of the county treasury, such fees shall,

upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

Official reporters of such court shall be members of any retirement system maintained by the county. For the purpose of such retirement system the salary provided in this article for such reporters shall be deemed their entire compensation.

CHAPTER 615

An act to amend Sections 758, 2601, 4022, 6081, 6112, 6170, 6400, 6462, 6490, 6499, 6511, 6512, 6580, 6620, 6652, 6653, 6657, 6658, 6659, 6833, 6864, 6920, 7201, 8873, 9373, 10012.5, 10219, 10301, 18414, 22836, 22840, 23302, 23512, 23518, 23519, 23520, 23522, 25304, 27207, 27513, 27517.5, and 27519 of, and to add Section 3508 to, the Elections Code, and to amend Section 5783.2 of the Public Resources Code, relating to Elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 758 of the Elections Code is amended to read:

758. The Secretary of State shall prescribe the size and dimensions of ballots to be used by new residents, and shall notify the respective county clerks of his determination at least 84 days before the election. The ballot shall be in substantially the following form:

NEW RESIDENT BALLOT

To vote for the group of electors preferring presidential and vice presidential candidates whose names appear on the ballot, stamp or mark the ballot with pen or pencil in the square following the name of the party preferred.

PRESIDENTIAL ELECTORS Vote for One Party		
Adlai E. Stevenson, for President Estes Kefauver, for Vice President	Democratic	
Dwight D. Eisenhower, for President Richard M. Nixon, for Vice President	Republican	
Enoch A. Holtwick, for President Edwin M. Cooper, for Vice President	Prohibition	
_____, for President _____, for Vice President		

SEC. 1.5. Section 2601 of the Elections Code is amended to read:

2601. At least 44 days before the general election, and at least 84 days, but not more than 194 days, before a special statewide election or a special election to fill a vacancy in the office of Representative in Congress, State Senator or Member of Assembly, the Governor shall issue an election proclamation, under his hand and the Great Seal of the state, and transmit copies to the boards of supervisors of the counties in which the elections are to be held.

SEC. 2. Section 3508 is added to the Elections Code, to read:

3508. Notwithstanding any other provision of law, no initiative shall be placed on a statewide special election ballot which qualifies less than 131 days before the date of the election.

SEC. 2.5. Section 4022 of the Election Code is amended to read:

4022. When a special election is to be called under this article, it shall be held not less than 74 nor more than 89 days after the date of the presentation of proposed ordinance to the legislative body, and shall be held in accordance with the provisions of this code. To avoid holding more than one special election within any six months, the date for holding the special election may be fixed later than 89 days, but at as early a date as practicable after the expiration of six months from the last special election. When it is legally possible to hold a special election under this chapter within six months prior to a regular municipal election, the legislative body may submit the proposed ordinance at the regular election instead of at a special election.

SEC. 3. Section 6081 of the Elections Code is amended to read:

6081. Nomination papers properly prepared, circulated, signed and verified shall be left, for examination, with the county clerk of the county in which they are circulated, at least 74 days prior to the presidential primary. Upon the filing of nomination papers pursuant to this chapter, the persons named in such papers shall be voted upon as delegates to the respective national conventions of the several political parties, but their names shall not be printed upon the ballots of their respective parties.

SEC. 4. Section 6112 of the Elections Code is amended to read:

6112. Verification deputies may obtain signatures to the nomination paper of the group of candidates for whom they were appointed, at any time not more than 104 nor less than 74 days prior to the presidential primary.

SEC. 5. Section 6170 of the Elections Code is amended to read:

6170. At least 59 days before a presidential primary, the Secretary of State shall transmit to each county clerk a

certified list containing the names and addresses of the candidates for delegates for whom nomination papers have been filed and who are entitled to be voted for at the presidential primary.

The certified list shall be in substantially the following form:

CERTIFIED LIST OF CANDIDATES FOR DELEGATE
DEPARTMENT OF STATE

To the County Clerk of ----- County:

I, -----, Secretary of State, do hereby certify that the following list contains the name and post office address of each person for whom nomination papers have been filed in my office and who is entitled to be voted for at the presidential primary to be held on the ----- day of -----, 19____, as delegate to the next national convention of that party under which his name hereinafter appears; I further certify that in the list under the name of each party, and under the name of the person for whom a preference as nominee of the party for President has been expressed or under the name of the chairman of a group not expressing a preference, there is stated the name of each candidate for delegate who has filed a statement pursuant to Section 6057 of the Elections Code, and who may be voted for as one of a group.

LIST OF CANDIDATES

----- Party					
Candidates preferring		Candidates preferring		No preference (Name of chairman)	

Name	Address	Name	Address	Name	Address
Top of Group	Top of Group	Top of Group	Top of Group	Top of Group	Top of Group
1-----	-----	1-----	-----	1-----	-----
2-----	-----	2-----	-----	2-----	-----
3-----	-----	3-----	-----	3-----	-----
etc.	-----	etc.	-----	etc.	-----

----- Party
(etc., as above with each political party)
Dated at Sacramento, California, this ----- day of
-----, 19____.

(SEAL)

Secretary of State

SEC. 6. Section 6400 of the Elections Code is amended to read:

6400. This chapter does not apply to:

(a) Recall elections.

(b) Special elections to fill vacancies.

(c) Nomination of officers of cities or counties whose charters provide a system for nominating candidates for such offices.

(d) Nomination of officers for any district not formed for municipal purposes.

(e) Nomination of officers for general law cities.

(f) Nomination of school district officers.

The provisions of this chapter governing the nomination of candidates for county offices shall also apply to the nomination of freeholders to be elected for the purpose of framing a charter under the authority of Article XI; Section 7½ of the Constitution. No candidate's name shall be printed on the ballot to be used at the election of freeholders unless a declaration of his candidacy is filed not earlier than the day upon which the order calling the election is made and not later than 32 days prior to that election.

Where any person has been elected to the office of freeholder in accordance with the procedure specified in this chapter, and the election has taken place on or after January 1, 1955, that person is hereby declared to be validly elected. All acts of that person are hereby legalized, ratified, confirmed, and declared valid for all intents and purposes.

SEC. 6.1. Section 6462 of the Elections Code is amended to read:

6462. At least 104 days before the time of holding the direct primary, the Secretary of State shall prepare and transmit to each county clerk a notice in writing designating all the offices, except those of county officers and judges of inferior courts, for which candidates are to be nominated at the primary, together with the names of parties qualified to participate in the primary.

SEC. 7. Section 6490 of the Elections Code is amended to read:

6490. No candidate's name shall be printed on the ballot to be used at a direct primary unless a declaration of his candidacy is filed not less than 83 and not more than 113 days prior to the direct primary.

The declaration may be made by the candidate or by sponsors on his behalf.

When the declaration is made by sponsors the candidate's affidavit of acceptance shall be filed with the declaration.

SEC. 8. Section 6499 of the Elections Code is amended to read:

6499. All sponsor certificates shall be delivered to the county clerk at least 88 days prior to the direct primary election. The county clerk shall not accept sponsor certificates after 5 o'clock p.m. on the 88th day unless that day is a Saturday, in which case the sponsor certificates shall not be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

SEC. 9. Section 6511 of the Elections Code is amended to read:

6511. The declaration of candidacy by the candidate personally and the declaration of acceptance of nomination shall be subscribed and sworn to before an officer authorized to administer oaths, and, at least 88 days before the direct primary election, shall be delivered to the county clerk of the county in which the candidate resides.

The county clerk shall not accept a declaration of candidacy or declaration of acceptance of nomination after 5 o'clock p.m. on the 88th day unless that day is a Saturday, in which case no declaration of candidacy or declaration of acceptance of nomination shall be accepted after 12 o'clock noon. In counties where the office of the county clerk is legally closed on Saturday, the final day for filing shall be the preceding day at 5 o'clock p.m.

SEC. 10. Section 6512 of the Elections Code is amended to read:

6512. If only one candidate has declared or accepted a candidacy for a partisan nomination at the direct primary election for all parties qualified to participate at that election, and that candidate dies after the last day prescribed for the delivery of nomination papers to the county clerk, as provided in Section 6511, and not less than 83 days before the election, any person qualified under the provisions of Section 6401 may circulate and deliver nomination papers for the office to the county clerk up to 5 o'clock p.m. on the 74th day prior to the election. In such case, the county clerk shall, immediately after receipt of such nomination papers, certify and transmit them to the Secretary of State in the manner specified in this article.

SEC. 11. Section 6580 of the Elections Code is amended to read:

6580. At least 68 days before the direct primary, the Secretary of State shall transmit to each county clerk a certified list of candidates who are eligible to be voted for in his county at the direct primary.

SEC. 12. Section 6620 of the Elections Code is amended to read:

6620. Not less than 62 days before the general election, the Secretary of State shall deliver to the county clerk of each county a certificate showing:

(a) The name of every person entitled to receive votes within that county at the general election who has received the nomination as a candidate for public office pursuant to the provisions of this chapter.

(b) For each nominee the name of the party which has nominated him, if any.

(c) The designation of the public office for which he has been nominated.

SEC. 13. Section 6652 of the Elections Code is amended to read:

6652. When, as a result of any primary election, a person has received a nomination to any office without first having filed a declaration certificate, and having his name printed on the primary election ballot, he may at least 74 days before the day of election cause his name to be withdrawn from nomination by filing in the office where he would have filed his declaration certificate had he been a candidate for nomination, his request to withdraw, in writing, signed and acknowledged by him. When this section has been complied with, the name of the candidate shall not be printed on the election ballot for the ensuing general election as a candidate for that office.

SEC. 14. Section 6653 of the Elections Code is amended to read:

6653. No vacancy on the ballot for a general election shall be filled except by reason of the death of a candidate occurring at least 59 days before the date of the next ensuing general election.

SEC. 15. Section 6657 of the Elections Code is amended to read:

6657. A vacancy authorized to be filled because of the death of a candidate shall be filled, and the name of the person named to fill the vacancy shall be certified to the officer charged with the duty of printing the ballots, 59 days before the day of election.

SEC. 16. Section 6658 of the Elections Code is amended to read:

6658. Whenever anyone has declared or accepted a candidacy for a primary election, his name shall be printed upon the ballot for the primary election, unless he has died and that fact has been ascertained by the officer charged with the duty of printing the ballot, at least 59 days before the day of election.

SEC. 17. Section 6659 of the Elections Code is amended to read:

6659. Whenever a candidate has been nominated at any primary election after having a declaration certificate filed, the name of the candidate shall be printed upon the ballot for the ensuing general election unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots, at least 59 days before the day of election.

SEC. 18. Section 6833 of the Elections Code is amended to read:

6833. Nomination papers required to be filed with the Secretary of State or with the county clerk shall be filed not more than 79 nor less than 54 days before the day of the election, but shall be prepared, circulated, signed, verified and left with the county clerk for examination, or for examination and filing, no earlier than 84 days before the election and no later than 5 p.m. 60 days before the election. If the total number of signatures submitted to a county clerk for an office entirely within that county does not equal the number of signatures

needed to qualify the candidate, the county clerk shall declare the petition void and is not required to verify the signatures. If the district falls within two or more counties, the county clerk shall within two working days report in writing to the Secretary of State the total number of signatures filed. If the Secretary of State finds that the total number of signatures filed in the district or state is less than the minimum number required to qualify the candidate he shall within one working day notify in writing the counties involved that they need not verify the signatures.

SEC. 19. Section 6864 of the Elections Code is amended to read:

6864. Verification deputies appointed to obtain signatures to the nomination paper of any candidate may, at any time not more than 84 nor less than 59 days prior to the election, obtain signatures to the nomination paper of the candidate.

SEC. 20. Section 6920 of the Elections Code is amended to read:

6920. Each candidate, at least 54 days prior to the election, shall file with the officer with whom his nomination papers are required to be filed an affidavit which shall state:

- (a) His residence, with street and number, if any.
- (b) His election precinct.
- (c) That he is a voter in the precinct in which he resides.
- (d) The name of the office for which he is a candidate.
- (e) That he will not withdraw as a candidate before the election.

(f) That, if elected, he will qualify for the office.

(g) That if there were any signatures to his nomination papers in excess of the number required, he has notified each signer whose name was not used that his name has not been used.

The name of a candidate shall not be placed on the ballot unless the affidavit provided for in this section has been properly filed.

SEC. 21. Section 7201 of the Elections Code is amended to read:

7201. A primary election shall be held in the district in which the vacancy occurred on the fourth Tuesday preceding the day of the special election at which the vacancy is to be filled. Candidates at the primary election shall be nominated in the manner set forth in Chapter 2 (commencing with Section 6400) of Division 5 of this code, except that nomination papers shall not be circulated more than 54 days before the primary election, shall be left with the county clerk for examination not less than 44 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

Notwithstanding the provisions of Section 14621, applications for absent voter ballots may be submitted not more than 25 days before the primary election. Applications received by the clerk prior to the 25th day shall not be returned to the

sender, but shall be held by the clerk and processed by him following the 25th day prior to the election in the same manner as if received at that time.

SEC. 21.1. Section 8873 of the Elections Code is amended to read:

8873. If the county clerk, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, a petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

SEC. 21.2. Section 9373 of the Elections Code is amended to read:

9373. If the county clerk, on the 73rd day prior to the direct primary election, finds that the number of candidates nominated for election to a committee from an Assembly or supervisorial district does not exceed the number of candidates to be elected from that Assembly or supervisorial district, the designation of the office and the names of the candidates shall not be printed on this party's ballot in the Assembly or supervisorial district, unless there is filed with the county clerk, not later than 20 days after the final date for filing nomination papers for the positions, petition indicating that a write-in campaign will be conducted for the office and signed by 25 registered voters affiliated with the political party involved. In lieu thereof, the board of supervisors shall declare elected the candidates who have been nominated, and those candidates shall be entitled to receive certificates of election in the same manner as other candidates elected to a committee.

SEC. 22. Section 10012.5 of the Elections Code is amended to read:

10012.5. Each candidate for elective office in any local agency, city, county, city and county or district may prepare a statement of qualifications on an appropriate form provided by the clerk. Such statement may include the name, age, occupation, and education of the candidate and a brief description of no more than 150 words, of the candidate's qualifications expressed by the candidate himself. Such statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Such statement shall be filed in the office of the clerk when his nomination papers are returned for filing, if it is for a primary election,

or no later than the 59th day before the election, if it is for a general election. It may be withdrawn, but not changed, during the period for filing nomination papers and until 5 p.m. of the next working day after the close of the nomination period.

The clerk shall send to each voter together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications that is prepared pursuant to this section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing.

The local agency may bill each candidate availing himself of this service a sum not greater than the actual prorated costs of printing and handling incurred by the agency as a result of providing this service. Only these charges may be levied and each candidate using this service shall be charged the same.

The clerk shall reject any statement, which contains any obscene, vulgar, profane, scandalous, libelous or defamatory matter, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by Congress.

Nothing in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

SEC. 22.4. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16. of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California

Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) Words designating the principal profession, vocation or occupation of the candidate, which shall not exceed three in number. The profession, vocation or occupation designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 22.5. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not reelected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent,"

except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) Words designating the principal profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. Except as provided in subdivision (a), the designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 59 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 22.3. Section 18414 of the Elections Code is amended to read:

18414. Whenever a candidate whose name appears upon the ballot at a general election dies after the hour of 12:01 a.m. of the 53rd day before the election and before the time of the closing of the polls on the day of the election, the votes cast for such deceased candidate shall be counted in determining the results of the election for the office for which the decedent was a candidate. If the deceased candidate receives the majority of the votes cast for the office, he shall be considered elected and the office to which he was elected shall be vacant at the beginning of the term for which he was elected. The vacancy thus created shall be filled in the same manner as if the candidate had died subsequent to taking office for that term.

SEC. 23. Section 22836 of the Elections Code is amended to read:

22836. Candidates may be nominated for any of the elective offices of the city in the manner following:

Not earlier than the 89th day nor later than 12 o'clock noon on the 68th day before a municipal election, the voters may nominate candidates for election by signing a nomination paper. Each candidate shall be proposed by not less than five nor more than 10 voters, but only one candidate may be named in any one nomination paper. No voter may sign more than one nomination paper for the same office, and in the event he does so, his signature shall count only on the first nomination paper filed which contains his signature. Nomination papers subsequently filed and containing his signature shall be considered as though his signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper. Where there are full terms and short terms to be filled, the term shall be specified in the nomination paper.

SEC. 24. Section 22840 of the Elections Code is amended to read:

22840. All nomination papers shall be filed with the city clerk not later than 12 o'clock noon on the 68th day before the election. No candidate shall withdraw his nomination paper after it is filed with the city clerk as provided in this section.

SEC. 25. Section 23302 of the Elections Code is amended to read:

23302. Whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and such question, proposition, or office to be filled is to appear upon the same ballot as that provided for such statewide election, the district, city or other political subdivision shall, at least 74 days prior to the date of the election, file with the board of supervisors, and a copy with the county clerk, a resolution of its governing board requesting such consolidation and setting forth the exact form of any question, proposition, or office to be voted upon at such election, as the same is to appear on the ballot. The question or proposition to appear on the ballot shall not exceed 175 words in length. The resolution requesting the consolidation may be adopted and filed prior to the adoption of the ordinance, resolution or order calling the election, but in that event the ordinance, resolution or order calling the election must be adopted at least 59 days before the election. The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county clerk no later than 67 days prior to the election.

SEC. 26. Section 23512 of the Elections Code is amended to read:

23512. Forms for petitions required for nomination to all district offices shall be obtained from either the district secretary's office or the office of the county clerk. The forms shall first be available on the 89th day prior to the general district election and shall be filed not later than 5 p.m. on the

64th day prior to the general district election in the office of the county clerk during regular office hours or may be filed by certified mail so that the forms reach the clerk's office no later than the deadline for filing in that office. At the time of issuance of such forms, there shall be filled in the name of the candidate and the office for which he is a candidate. The form shall be marked "Official Filing Petition" and signed by either the secretary or the county clerk. The petition shall be signed by not less than 10 nor more than 20 voters or by not less than 25 percent nor more than 50 percent of the voters if the same be less than 40. The county clerk shall record the date of filing upon the first page of each petition filed pursuant to this section.

On request of the district secretary, the county clerk shall provide the secretary a copy of each nominating petition filed pursuant to this section.

Sec. 27. Section 23518 of the Elections Code is amended to read:

23518. No more than 78 days nor less than 71 days prior to the general district election the county clerk shall publish a notice once in a newspaper of general circulation published in the district or, if no such newspaper is published in the district, in a newspaper having general circulation in the district published in any affected county in the district, if any of the following conditions exist at the time when the notice is submitted to such newspaper for publication:

(a) Only one person has been nominated for any elective office to be filled at the general district election.

(b) No person has been nominated for such office.

(c) In the case of directors to be elected from the district at large the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election.

(d) In the case of directors to be nominated by division and elected at large the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division.

Sec. 28. Section 23519 of the Elections Code is amended to read:

23519. The notice required in Section 23518 shall state the following:

(a) That such condition or conditions existed at the time the notice was submitted to the newspaper for publication;

(b) The elective offices for which there were no nominees or an insufficient number of nominees at the time the notice was submitted to the newspaper for publication; and

(c) That if such condition or conditions relating to such elective offices exist on the 60th day prior to the day fixed for the general district election and a petition signed by 5 percent of the voters in the district, or division if elected by division, requesting that a general district election be held for such offices has not been presented to the secretary of the dis-

trict, appointment will be made as prescribed by Section 23520.

SEC. 29. Section 23520 of the Elections Code is amended to read:

23520. If, by 5 p.m. on the 60th day prior to the day fixed for the general district election: only one person has been nominated for any elective office to be filled at that election; or no one has been nominated for such office; or in the case of directors to be elected from the district at large, the number of nominees for director at large does not exceed the number of offices of director at large to be filled at that election; or in the case of directors to be nominated by division and elected at large, the number of nominees for director at large from a division does not exceed the number required to be elected director at large nominated from that division, and if a petition signed by 5 percent of the voters in the district, or division if elected by division, requesting that the general district election be held has not been presented to the governing body of the district, the county clerk, upon receipt of the notice required in Section 23522, shall submit a certificate of these facts to the supervising authority and request that the supervising authority, at a regular or special meeting held prior to the last Monday before the last Friday in November in which the election is held, appoint to such office or offices the person or persons, if any, who have been nominated. The supervising authority shall make such appointments. If no person has been nominated for any office, the supervising authority shall appoint any person to the office who is qualified on the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a general district election for such office.

Where a director must be appointed to represent a division, all or most of which is not within the county governed by the supervising authority, then the board of supervisors of the county within which all or most of that division is located shall be the body to which request for appointment is made and which shall make such appointment.

SEC. 30. Section 23522 of the Elections Code is amended to read:

23522. On the 57th day prior to the day fixed for the general district election the secretary shall deliver to the county clerk a notice which shall contain the title of each elective office of the district for which a general district election is required to be held as a result of a petition signed by 5 percent of the voters in the district requesting an election be held for such office having been presented to the governing body within the time provided for by Section 23520. If no such election is to be held, the notice shall contain this fact.

SEC. 31. Section 25304 of the Elections Code is amended to read:

25304. In any county or any judicial district in which only the incumbent has filed nomination papers for the office of

superior court judge, municipal court judge or justice court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 59 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent re-elected.

SEC. 32. Section 27207 of the Elections Code is amended to read:

27207. If the petition, together with supplementary petitions, if any, is found to be sufficient, the county clerk shall submit it to the board of supervisors without delay. The board shall at once order a special election to be held within not less than 84 nor more than 89 days after the date of the order, to determine whether the voters will recall the officer. If a regular election is to occur not less than 84 nor more than 109 days from the date of the order calling the special election, the board may, in its discretion, order the holding of the special election at the time the regular election is held.

SEC. 33. Section 27513 of the Elections Code is amended to read:

27513. If the petition, together with supplementary petitions, if any, is sufficient, the clerk shall submit it to the legislative body of the city without delay. The legislative body shall at once order a special election to be held, not less than 74 nor more than 89 days after the date of the order, to determine whether the voters will recall the officer sought to be recalled. If a regular municipal election is to occur not more than 104 nor less than 74 days from the date of the order, the legislative body may order the special election to be held on the day of the regular election.

SEC. 34. Section 27517.5 of the Elections Code is amended to read:

27517.5. If the recall questions for all of the members of the legislative body of the city succeed and no candidates are elected to succeed them, the incumbents shall remain in office.

If the recall questions for all or part of the members of the legislative body of the city succeed and not enough candidates are elected to provide a quorum, the Governor shall appoint a sufficient number of persons to bring the membership up to

a quorum and the quorum shall fill the remaining vacancies by appointment. If there are any unfilled vacancies remaining 30 days after the recall election, and more than 89 days will elapse before the next general municipal election will be held, the legislative body shall immediately cause an election to be held to fill the vacancies.

A person appointed to office under this section shall hold office for the remainder of the unexpired term of the recalled officer whose position he is appointed to fill.

SEC. 35. Section 27519 of the Elections Code is amended to read:

27519. If the officer sought to be recalled dies more than 54 days prior to the election, the period for filing nomination papers to succeed the officer shall be extended to the 39th day prior to the election.

If the officer sought to be recalled resigns prior to the election, and at the close of the period for filing nomination papers only one person has been nominated for the office or no person has been nominated for the office, an election shall not be held. In such case the governing body of the city shall appoint to the office the person nominated, or, if no person has been nominated, shall appoint any qualified person.

SEC. 36. Section 5783.2 of the Public Resources Code is amended to read:

5783.2. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all district elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions of the Elections Code pertaining to local elections shall control.

(b) Inconsistent provisions of this chapter shall control over provisions of the Elections Code except that the provisions of the Elections Code relating to the time requirements relating to consolidation with statewide elections shall prevail.

(c) The elections clerk of the supervising authority shall perform all duties in connection with an election if requested by the governing body on a cost basis.

SEC. 37. It is the intent of the Legislature to enable the county clerks or registrars of voters to set up compatible schedules when elections are consolidated with statewide elections and governed by the Elections Code.

SEC. 38. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

There is a general election scheduled for November 3, 1970, and it is essential to have the provisions operative at that time in order to provide sufficient time for the printing of ballots.

CHAPTER 616

An act to amend Section 5244.1 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5244.1 of the Streets and Highways Code is amended to read:

5244.1. Whenever the total amount bid by the lowest responsible bidder plus the estimated amount of incidental costs exceeds by more than 15 percent the engineer's estimate of cost as stated in the "Notice of Improvement" referred to in Section 5193 of this division, the legislative body shall direct the clerk to give notice by mail of such increase over the estimated cost.

CHAPTER 617

An act to add Section 17507.7 to the Education Code, relating to schools districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17507.7 is added to the Education Code, to read:

17507.7. The provisions of Section 13599.2, of subdivision (a) of Section 13599.7, and of Sections 17507.5 and 17507.6 are not applicable to an experimental kindergarten program conducted by one school district in one school which has been approved by the Superintendent of Public Instruction, provided that the school and school district has conducted an experimental kindergarten program during the summer session of 1968 and the spring and fall semesters of 1969. The governing board of the school district conducting such program shall submit an evaluation of program results to the Superintendent of Public Instruction no later than December 1st of each year. The Superintendent of Public Instruction shall submit a yearly report to the Legislature evaluating the results of such pro-

gram no later than the fifth calendar day of each regular session.

This section shall remain in effect until the 61st day after final adjournment of the 1972 Regular Session of the Legislature, and shall have no force or effect after that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts may conduct experimental kindergarten programs which are needed to improve the quality of public education without incurring fiscal penalties, and in order that such programs may be commenced at the beginning of the 1970-71 school year, it is necessary that this act go into immediate effect.

CHAPTER 618

An act to amend Sections 7540, 10159.5, and 10522.5 of, and to add Chapter 5 (commencing with Section 17900) to Part 3 of Division 7 of, the Business and Professions Code, to repeal Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code, to amend Section 12300.2 of the Financial Code, and to repeal Section 26848 of the Government Code, relating to fictitious business names.

[Approved by Governor August 6, 1970 Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7540 of the Business and Professions Code is amended to read:

7540. No licensee shall conduct a business under a fictitious business name unless and until he has obtained the written authorization of the bureau so to do.

The bureau shall not authorize the use of a fictitious business name which is so similar to that of a public officer or agency or of that used by another licensee that the public may be confused or misled thereby.

The authorization shall require, as a condition precedent to the use of such name, that the licensee comply with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

A licensee desiring to conduct his business under more than one fictitious business name shall obtain the authorization of the bureau in the manner prescribed in this section for the use of each such name.

The licensee shall pay a fee of ten dollars (\$10) for each authorization to use an additional fictitious business name and for each change in the use of a fictitious business name. If the

original license is issued in a nonfictitious name and authorization is requested to have the license reissued in a fictitious business name the licensee shall pay a fee of ten dollars (\$10) for such authorization.

SEC. 2. Section 10159.5 of the Business and Professions Code is amended to read:

10159.5. Every person applying for a license under this chapter who desires to have such license issued under a fictitious business name shall file with his application a certified copy of his fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

SEC. 3. Section 10522.5 of the Business and Professions Code is amended to read:

10522.5. Every person applying for a license under this chapter who desires to have such license issued under a fictitious business name shall file with his application a certified copy of his fictitious business name statement filed with the county clerk pursuant to Chapter 5 (commencing with Section 17900) of Part 3 of Division 7.

SEC. 4. Chapter 5 (commencing with Section 17900) is added to Part 3 of Division 7 of the Business and Professions Code, to read:

CHAPTER 5. FICTITIOUS BUSINESS NAMES

17900. (a) As used in this chapter, "fictitious business name" means:

(1) In the case of an individual, a name that does not include the surname of the individual or a name that suggests the existence of additional owners.

(2) In the case of a partnership or other association of persons, a name that does not include the surname of each general partner or a name that suggests the existence of additional owners.

(3) In the case of a corporation, any name other than the corporate name stated in its articles of incorporation.

(b) A name that suggests the existence of additional owners within the meaning of subdivision (a) is one which includes such words as "Company," "& Company," "& Son," "& Sons," "& Associates," "Brothers," and the like, but not words that merely describe the business being conducted.

17901. As used in this chapter, "general partner" means:

(a) In the case of a partnership, a general partner.

(b) In the case of an unincorporated association other than a partnership, a person interested in such business whose liability with respect to the business is substantially the same as that of a general partner.

17902. As used in this chapter, "person" includes individuals, partnerships and other associations, and corporations.

17903. As used in this chapter, "registrant" means a per-

son who is filing or has filed a fictitious business name statement.

17910. Every person who regularly transacts business in this state for profit under a fictitious business name shall:

(a) File a fictitious business name statement in accordance with this chapter not later than 40 days from the time he commences to transact such business; and

(b) File a new statement in accordance with this chapter on or before the date of expiration of the statement on file.

17911. This chapter does not apply to a nonprofit corporation or association, including, but not limited to, organizations such as churches, labor unions, fraternal and charitable organizations, nonprofit hospitals, and similar organizations.

17912. This chapter does not apply to a real estate investment trust that has obtained a permit under Section 23002 of the Corporations Code and has a statement on file, pursuant to Section 24003 of the Corporations Code, designating an agent for service of process.

17913. (a) The fictitious business name statement shall contain all of the information required by this subdivision and shall be substantially in the following form:

FICTITIOUS BUSINESS NAME STATEMENT

The following person (persons) is (are) doing business
as *-----
at **-----:

***-----

This business is conducted by ***-----

Signed-----

Statement filed with the County Clerk of ----- County
on -----

(b) The statement shall contain the following information set forth in the manner indicated in the form provided by subdivision (a):

(1) Where the asterisk (*) appears in the form, insert the fictitious business name.

(2) Where the two asterisks (**) appear in the form: If the registrant has a place of business in this state, insert the street address of his principal place of business in this state. If the registrant has no place of business in this state, insert the street address of his principal place of business outside this state.

(3) Where the three asterisks (***) appear in the form: If the registrant is an individual, insert his full name and residence address. If the registrant is a partnership or other association of persons, insert the full name and residence address of each general partner. If the registrant is a business trust, insert the full name and residence address of each

trustee. If the registrant is a corporation, insert the name of the corporation as set out in its articles of incorporation and the state of incorporation.

(4) Where the four asterisks (****) appear in the form, insert whichever of the following best describes the nature of the business: (i) "an individual," (ii) "a general partnership," (iii) "a limited partnership," (iv) "an unincorporated association other than a partnership," (v) "a corporation," (vi) "a business trust."

17914. If the registrant is an individual, the statement shall be signed by the individual; if a partnership or other association of persons, by a general partner; if a business trust, by a trustee; if a corporation, by an officer.

17915. The fictitious business name statement shall be filed with the clerk of the county in which the registrant has his principal place of business in this state or, if he has no place of business in this state, with the Clerk of Sacramento County.

17916. Presentation for filing of a fictitious business name statement and one copy, tender of the filing fee, and acceptance of the statement by the county clerk constitute filing under this chapter. The county clerk shall note on the copy the file number and the date of filing the original and shall certify and deliver or send the copy to the registrant.

17917. (a) Within 30 days after a fictitious business name statement has been filed pursuant to this chapter, the registrant shall cause a statement in the form prescribed by subdivision (a) of Section 17913 to be published pursuant to Government Code Section 6064 in a newspaper of general circulation in the county in which the principal place of business of the registrant is located or, if there is no such newspaper in that county, then in a newspaper of general circulation in an adjoining county. If the registrant does not have a place of business in this state, the notice shall be published in a newspaper of general circulation in Sacramento County.

(b) Subject to the requirements of subdivision (a), the newspaper selected for the publication of the statement should be one that circulates in the area where the business is to be conducted.

(c) Where a new statement is required because the prior statement has expired under subdivision (a) of Section 17920, the new statement need not be published unless there has been a change in the information required in the expired statement.

(d) An affidavit showing the publication of the statement shall be filed with the county clerk within 30 days after the completion of the publication.

17918. No person transacting business under a fictitious business name contrary to the provisions of this chapter, or his assignee, may maintain any action upon or on account of any contract made, or transaction had, in the fictitious business name in any court of this state until the fictitious business name statement has been executed, filed, and published as re-

quired by this chapter. For the purposes of this section, the failure to comply with subdivision (b) of Section 17917 does not constitute transacting business contrary to the provisions of this chapter.

17919. (a) A fictitious business name statement may be executed, filed, and published by the trustee in bankruptcy at any time after bankruptcy where a failure to comply with the provisions of this chapter would otherwise preclude the maintenance of an action to recover any sums due to the bankrupt or the partnership of which the bankrupt was a member.

(b) A fictitious business name statement may be executed, filed, and published by the guardian, conservator, executor, or administrator at any time after the incompetency or death of any individual or partner where a failure to comply with the provisions of this chapter would otherwise preclude the maintenance of an action to recover any sums due the incompetent or deceased person or the partnership of which he was a member.

(c) A fictitious business name statement may be executed, filed, and published by an assignee or purchaser of the business at any time after the assignment or sale where a failure to comply with the provisions of this chapter would otherwise preclude the maintenance of an action to recover any sums due to the assignee or purchaser by reason of the assignment or sale.

(d) The fictitious business name statement referred to in this section shall be in substantially the same form as prescribed in Section 17913, except:

(1) The person or persons who were doing business under the fictitious business name shall be stated as such person or persons existed (i) immediately prior to the bankruptcy, incompetency, or death or the assignment or sale of the business or (ii) at the time they ceased to do business under the fictitious business name, whichever is the earlier time.

(2) The statement shall include the following additional sentence: "This statement has been executed pursuant to Section 17919 of the Business and Professions Code."

(3) The person executing the statement shall (i) sign the statement on behalf of the person or persons formerly doing business under the fictitious business name, (ii) state his full name and the street address of his place of business or, if he has none, of his residence, and (iii) indicate whether he is a trustee in bankruptcy, guardian, conservator, executor, or administrator or assignee or purchaser of the business.

17920. (a) Unless the statement expires earlier under subdivision (b) or (c), a fictitious business name statement expires at the end of five years from December 31 of the year in which it was filed in the office of the county clerk.

(b) Except as provided in Section 17923, a fictitious business name statement expires 40 days after any change in the facts set forth in the statement pursuant to Section 17913, except that a change in the residence address of an individual,

general partner, or trustee does not cause the statement to expire.

(c) A fictitious business name statement expires when the registrant files a statement of abandonment of the fictitious business name described in the statement.

17921. (a) Not later than the first day of December immediately preceding the expiration date of a fictitious business name statement as determined under subdivision (a) of Section 17920, the county clerk shall send a notice to the principal place of business of the registrant. The notice shall be sent by regular mail. It shall indicate the date on which the statement will expire and the file number assigned to the statement.

(b) Neither the failure of the county clerk to mail the notice as provided in this section nor the failure of the notice to reach the person to whom it is sent continues the fictitious business name statement in effect after its expiration date. Neither the county nor any officer or employee of the county is liable for damages for failure to mail the notice required by this section.

17922. (a) A person who has filed a fictitious business name statement may, upon ceasing to transact business in this state under that fictitious business name, file a statement of abandonment of use of fictitious business name. The statement shall be executed in the same manner as a fictitious business name statement and shall be filed with the county clerk of the county in which the person has filed his fictitious business name statement. The statement shall be published in the same manner as a fictitious business name statement and an affidavit showing its publication shall be filed with the county clerk after the completion of publication.

(b) The statement shall include:

(1) The name being abandoned and the street address of the principal place of business.

(2) The date on which the fictitious business name statement relating to the fictitious business name being abandoned was filed and the county where filed.

(3) In the case of an individual, the full name and address of the individual.

(4) In the case of a partnership or other association of persons, the full names and residence addresses of all the general partners.

(5) In the case of a corporation, the name of the corporation as set forth in its articles of incorporation.

(6) In the case of a business trust, the full name and residence address of each of the trustees.

17923. (a) Any person who is a general partner in a partnership that is or has been regularly transacting business in a fictitious business name may, upon withdrawing as a general partner, file a statement of withdrawal from partnership operating under fictitious business name. The statement shall be executed by the person filing the statement in the same manner as a fictitious business name statement and shall be filed

with the county clerk of the county where the partnership filed its fictitious business name statement.

(b) The statement shall include:

(1) The fictitious business name of the partnership.

(2) The date on which the fictitious business name statement for the partnership was filed and the county where filed.

(3) The street address of its principal place of business in this state or, if it has no place of business in this state, the street address of its principal place of business outside this state, if any.

(4) The full name and residence of the person withdrawing as a partner.

(c) Unless a notice of the dissolution of the partnership has been published pursuant to Section 15035.5 of the Corporations Code, the statement of withdrawal from partnership operating under a fictitious business name shall be published in the same manner as the fictitious business name statement and an affidavit showing the publication of the statement shall be filed with the county clerk after the completion of the publication.

(d) The withdrawal of a general partner does not cause a fictitious business name statement to expire if the withdrawing partner files a statement of withdrawal in accordance with subdivisions (a) and (b) and the requirement of subdivision (c) is satisfied.

17924. (a) The county clerk shall furnish without charge a form satisfying the requirements of subdivision (a) of Section 17913. The form prepared by the county clerk, or the material provided by him with the form, shall include statements substantially as follows:

(1) "Your fictitious business name statement must be published in a newspaper once a week for four successive weeks and an affidavit of publication filed with the county clerk when publication has been accomplished. The statement should be published in a newspaper of general circulation in the county where the principal place of business is located. The statement should be published in such county in a newspaper that circulates in the area where the business is to be conducted (Business and Professions Code Section 17917)."

(2) "Any person who executes, files, or publishes any fictitious business name statement, knowing that such statement is false, in whole or in part, is guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed five hundred dollars (\$500) (Business and Professions Code Section 17930)."

These statements do not constitute a part of the fictitious business name statement and are not required to be published pursuant to Section 17917.

(b) The county clerk may furnish without charge forms meeting the requirements for a statement of abandonment of

use of fictitious business name and a statement of withdrawal from partnership operating under fictitious business name.

17925. (a) The county clerk shall maintain one or more indices which permit the determination of at least the following information:

(1) Whether any business using a specific fictitious business name has on file a fictitious business name statement setting forth such name and, if so, the file number of the statement.

(2) Whether any individual, general partner, or corporation is listed in any fictitious business name statement on file and, if so, the file number of the statement.

(3) Whether a statement of abandonment of use of a specific business name is on file and, if so, the file number of the statement of abandonment.

(4) Whether a statement of withdrawal from a partnership operating under fictitious business name is on file and, if so, the file number of the statement of withdrawal.

(b) Four years after a fictitious business name statement has expired, the county clerk may delete the information concerning that statement from the index. Four years after a statement of abandonment of use of fictitious business name has been filed, the county clerk may delete from the index all reference to the use of that name by the person filing the statement.

17926. (a) As used in this section, "statement" means a fictitious business name statement, a statement of abandonment of use of fictitious business name, or a statement of withdrawal from partnership operating under fictitious business name.

(b) For a fee of two dollars (\$2), the county clerk shall provide any person who so requests a certified copy of any statement on file in his office.

(c) A copy of a statement, when certified as provided in subdivision (b), establishes a rebuttable presumption of all of the following:

(1) The existence of the original statement.

(2) The execution of the statement by the person by whom it purports to have been executed.

(3) The truth of the information required by Sections 17913, 17922, or 17923 that is contained in the statement.

(d) The presumptions established by subdivision (c) are presumptions affecting the burden of producing evidence.

17927. (a) The county clerk shall mark each fictitious business name statement with a file number and the date of filing and shall retain the original statement for his file. He may destroy or otherwise dispose of such statement four years after the statement expires.

(b) The county clerk shall mark each statement of abandonment of use of fictitious business name or statement of withdrawal from partnership operating under fictitious business name with a file number and the date of filing. He may

destroy or otherwise dispose of any such statement nine years after the statement is filed.

(c) In lieu of retaining the original statement on file, the county clerk may retain a copy of the statement in accordance with Section 69844.5 of the Government Code.

17928. (a) Upon prepayment of the fee established pursuant to subdivision (b), the county clerk may furnish to any person who so requests daily or less frequent summaries or compilations of filings under this chapter.

(b) The fee for furnishing information under this section shall be fixed by the county clerk with the approval of the county board of supervisors and shall be sufficient to pay at least the actual cost of furnishing such information.

17929. (a) The fee for filing a fictitious business name statement is ten dollars (\$10). This fee covers the cost of filing and indexing the statement (and any affidavit of publication), furnishing one certified copy of the statement to the person filing the statement, and mailing the notice of expiration of the statement.

(b) The fee for filing a statement of abandonment of use of a fictitious business name is two dollars (\$2). This fee covers the cost of filing and indexing the statement and any affidavit of publication.

(c) The fee for filing a statement of withdrawal from partnership operating under fictitious business name is five dollars (\$5). This fee covers the cost of filing and indexing the statement and any affidavit of publication.

17930. Any person who executes, files, or publishes any statement under this chapter, knowing that such statement is false, in whole or in part, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500).

SEC. 5. Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code is repealed.

SEC. 6. Section 12300.2 of the Financial Code is amended to read:

12300.2. Every person engaging in the business of a check seller or cashier shall conduct such business under his true name unless he has complied with Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code.

SEC. 7. Section 26848 of the Government Code is repealed.

SEC. 8. (a) This act becomes operative on July 1, 1971, except that at any time after January 1, 1971, a fictitious business name statement may be filed and published as provided in Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code, and the statement so filed shall be deemed to have been filed on July 1, 1971. A person filing an initial statement under Chapter 5 (commencing with Section 17900) of Part 3 of Division 7 of the Business and Professions Code need not publish such statement if he has a certificate on file under Chapter

2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code unless there has been a change in the information required in that certificate, in which event the statement shall be published as provided in Section 17917 of the Business and Professions Code.

(b) The county clerks shall, until July 1, 1975, retain all certificates of fictitious name and certificates of abandonment of fictitious names and the registers relating thereto, as provided in the Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code that is repealed by this act. After July 1, 1975, the county clerks may destroy or otherwise dispose of such certificates and registers. No certificates shall be accepted for filing by the county clerks under Chapter 2 (commencing with Section 2466) of Title 10 of Part 4 of Division 3 of the Civil Code after June 30, 1971.

CHAPTER 619

An act to amend Section 6301 of the Business and Professions Code, relating to libraries.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6301 of the Business and Professions Code is amended to read:

6301. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county in which one or more municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee. In a county in which three or more municipal courts have been established, the judges of such courts shall elect two of their members to serve as trustees.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to

serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where such a court has been established, or of seven members in any county where three or more municipal courts have been established.

CHAPTER 620

An act to add Section 665.5 to, and to amend Sections 22102, 22103, 22104, and 22105 of, the Vehicle Code, relating to vehicles.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 665.5 is added to the Vehicle Code, to read:

665.5. A "U-turn" is the turning of a vehicle upon a highway so as to proceed in the opposite direction whether accomplished by one continuous movement or not.

SEC. 2. Section 22102 of the Vehicle Code is amended to read:

22102. No person in a business district shall make a U-turn, except at an intersection, or on a divided highway where an opening has been provided in accordance with Section 21651.

SEC. 3. Section 22103 of the Vehicle Code is amended to read:

22103. No person in a residence district shall make a U-turn when any other vehicle is approaching from either direction within 200 feet, except at an intersection when the approaching vehicle is controlled by an official traffic control device.

SEC. 4. Section 22104 of the Vehicle Code is amended to read:

22104. No person shall make a U-turn in front of the driveway entrance or approaches to a fire station. No person shall use the driveway entrance or approaches to a fire station for the purpose of turning a vehicle so as to proceed in the opposite direction.

SEC. 5. Section 22105 of the Vehicle Code is amended to read:

22105. No person shall make a U-turn upon any curve, or upon the approach to, or near the crest of, a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 200 feet.

CHAPTER 621

An act to amend Sections 659 and 660 of the Code of Civil Procedure, relating to motions for new trial.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 659 of the Code of Civil Procedure is amended to read:

659. The party intending to move for a new trial must file with the clerk and serve upon each adverse party a notice of his intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court or both, either

1. Before the entry of judgment; or

2. Within 15 days of the date of mailing notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him by any party of written notice of entry of judgment, or within 180 days after the entry of judgment, whichever is earliest; provided, that upon the filing of the first notice of intention to move for a new trial by a party, each other party shall have 15 days after the service of such notice upon him to file and serve a notice of intention to move for a new trial.

Said notice of intention to move for a new trial shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The time above specified shall not be extended by order or stipulation or by those provisions of Section 1013 of this code which extend the time for exercising a right or doing an act where service is by mail.

SEC. 2. Section 660 of the Code of Civil Procedure is amended to read:

660. On the hearing of such motion, reference may be had in all cases to the pleadings and orders of the court on file, and when the motion is made on the minutes, reference may also be had to any depositions and documentary evidence offered at the trial and to the report of the proceedings on the trial taken by the phonographic reporter, or to any certified transcript of such report or if there be no such report or certified transcript, to such proceedings occurring at the trial as are within the recollection of the judge; when the proceedings at the trial have been phonographically reported, but the reporter's notes have not been transcribed, the reporter

must upon request of the court or either party, attend the hearing of the motion and shall read his notes, or such parts thereof as the court, or either party, may require.

The hearing and disposition of the motion for a new trial shall have precedence over all other matters except criminal cases, probate matters and cases actually on trial, and it shall be the duty of the court to determine the same at the earliest possible moment.

Except as otherwise provided in Section 12a of this code, the power of the court to rule on a motion for a new trial shall expire 60 days from and after the mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5 or 60 days from and after service on the moving party by any party of written notice of the entry of the judgment, whichever is earlier, or if such notice has not theretofore been given, then 60 days after filing of the first notice of intention to move for a new trial. If such motion is not determined within said period of 60 days, or within said period as thus extended, the effect shall be a denial of the motion without further order of the court. A motion for a new trial is not determined within the meaning of this section until an order ruling on the motion (1) is entered in the permanent minutes of the court or (2) is signed by the judge and filed with the clerk. The entry of a new trial order in the permanent minutes of the court shall constitute a determination of the motion even though such minute order as entered expressly directs that a written order be prepared, signed and filed. The minute entry shall in all cases show the date on which the order actually is entered in the permanent minutes, but failure to comply with this direction shall not impair the validity or effectiveness of the order.

CHAPTER 622

An act to add Sections 54931.11 and 54931.12 to the Government Code, relating to local agency boundaries, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 54931.11 is added to the Government Code, to read:

54931.11. Notwithstanding Sections 54902 and 54903, or any other provisions of this chapter, any transfer of territory from one city to another and from one or more school districts to one or more other school districts, all pursuant to the provisions of Chapter 598 of the Statutes of 1969, shall be effective for assessment and taxation purposes for the 1970-71 fiscal year if the statement and map or plat required by Sections 54900 and 54903.1 are filed with the assessor, the State Board

of Equalization, the Superintendent of Public Instruction and the county superintendent of schools on or before June 1, 1970.

SEC. 1.5. Section 54931.12 is added to the Government Code, to read:

54931.12. Notwithstanding Sections 54902 and 54903, or any other provisions of this chapter, any change in the boundaries of a recreation and park district, formed and operated under Chapter 4 (commencing with Section 5780) of Division 5 of the Public Resources Code, as the result of the detachment of territory from the district, the certificate of filing for which was issued by the Secretary of State on November 7, 1969, shall be effective for assessment and taxation purposes for the 1970-71 fiscal year after the statement and map or plat required by Section 54900 and 54902 are filed with the assessor and the State Board of Equalization on or before June 30, 1970.

SEC. 2. This is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately certain cities and school districts which have recently had territory transferred to them will not be able to levy taxes on the annexed territory for the 1970-71 fiscal year to cover the cost of municipal and educational services which will be furnished to the territory during that year and property owners of an area previously a part of a recreation and park district will be taxed by the district from which they are now detached.

CHAPTER 623

An act to amend Sections 32002, 32100.4, 32100.6, 32100.8, 32110, 32127.5, 32128, 32129.5, 32130, 32221 and 32300.1 of, to add Section 32100.2 to, and Chapter 5 (commencing with Section 32315), to Division 23 of, and to repeal Sections 32002.4, 32002.5, 32002.6 and 32127.3 of, the Health and Safety Code, relating to hospital districts.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 32002 of the Health and Safety Code is amended to read:

32002. The manner of formation of local hospital districts, and the conducting of elections, unless otherwise provided herein shall be as in the manner provided, respectively, by Chapter 1 (commencing with Section 58000) of Division 2 of Title 6 of the Government Code and Part 3 (commencing with

Section 23500) of Division 12 of the Elections Code. All of the provisions of such chapter and part are hereby incorporated in this division by reference and shall have the same effect and force as if fully set forth herein. In addition to all other requirements regarding formation of hospital districts, no hearing upon the petition to form a hospital district shall be held until there shall have been filed with the supervising authority a certificate from the appropriate voluntary area health planning agency established pursuant to Section 437.7 stating its findings in accordance with the standards established for allocated funds under the California Hospital Survey and Construction Act, Chapter 3 (commencing with Section 430) of Part 1 of Division 1 of this code upon the following facts:

(a) The need for hospital beds in the hospital service area to be served.

(b) The fulfillment of needs in the service area based upon hospital beds in existence or under construction.

(c) Upon request of the supervising authority the voluntary area health planning agency shall furnish its findings regarding (a) and (b).

SEC. 2. Section 32002.4 of the Health and Safety Code is repealed.

SEC. 3. Section 32002.5 of the Health and Safety Code is repealed.

SEC. 4. Section 32002.6 of the Health and Safety Code is repealed.

SEC. 5. Section 32100.2 is added to the Health and Safety Code, to read:

32100.2. Notwithstanding any other provision of law, the term of any member of the board of directors shall expire if he is absent from six consecutive regular meetings of the board and the board by resolution declares that a vacancy exists on the board.

SEC. 6. Section 32100.4 of the Health and Safety Code is amended to read:

32100.4. If, on the 65th day prior to the day fixed for the hospital district general election, only one person has been nominated for each office of member of the board of directors to be filled at that election, or no one has been nominated for such office, and if a petition signed by 5 percent of the qualified electors in the district, requesting that the hospital district general election in the district be held, has not been presented to the board of directors of the district, said board of directors shall by resolution entered in their minutes order that an election shall not be held. Where directors are elected at large, or where directors are elected by zones, no election shall be held in each zone where no one or only one person has been nominated if a petition signed by 5 percent of the qualified electors in the zone, requesting that the election in the zone be held, has not been presented to the board of directors of the district. When an election is not to be held, the board

shall appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a hospital district general election.

In such instances notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

SEC. 7. Section 32100.6 of the Health and Safety Code is amended to read:

32100.6. All or any of the members of the board of directors may be recalled at any time by the voters by following the recall procedure set forth in Chapter 2 (commencing with Section 23600) of Part 3 of Division 12 of the Elections Code.

SEC. 8. Section 32100.8 of the Health and Safety Code is amended to read:

32100.8. In all other respects each hospital district general election shall be conducted in the manner provided by Section 32002 of this code.

SEC. 9. Section 32110 of the Health and Safety Code is amended to read:

32110. No person possessing any property interest greater than 5 percent in, or owning more than 5 percent of the stocks, bonds, or other securities issued by, any private hospital serving the same area served by the district, or who is a director or other officer of any such private hospital, shall be eligible for or hold any district office, either as a member of the board or otherwise. No person who is a director or an officer of, or who occupies any management position or office whatsoever, on the administrative staff of any such private hospital, shall be eligible for or hold any district office or any management position or office whatsoever in any district hospital. The possession or ownership of such interest, stocks, bonds, or other securities by the spouse or minor children of any person shall be deemed, for the purposes of this section, to be the possession or interest of such person.

The amendments to this section enacted at the 1970 Regular Session of the Legislature do not apply to any person who is a member of the board of directors of a local hospital district on the effective date of such amendments, except in respect to his eligibility for, or his holding of membership on, any such board of directors for any term subsequent to that which he is serving on such date.

SEC. 10. Section 32127.3 of the Health and Safety Code is repealed.

SEC. 11. Section 32127.5 of the Health and Safety Code is amended to read:

32127.5. (a) Upon the adoption of a resolution of the board of directors of the district so providing, all funds on hand in the treasury of the district may, be paid over to the county treasurer of the county in which the district was organized, in which case and from and after the date of the adoption of such resolution the functions of the district treasurer shall be performed by the county treasurer. Except as to principal and interest of bonds, moneys in the treasury of the district shall be paid out by the county treasurer for purposes of the district upon warrants issued by the county auditor on orders signed by the president of the district and countersigned by the secretary of the district.

(b) At any time, the district board may, by resolution, re-establish the office of district treasurer and, upon receipt of a copy of such resolution, notwithstanding any other provision of law, the county treasurer shall transfer all funds of the district to the district treasurer.

SEC. 12. Section 32128 of the Health and Safety Code is amended to read:

32128. The rules of the hospital, established by the board of directors pursuant to this article, shall include: 1. Provision for the organization of physicians and surgeons and dentists licensed to practice in this state who are permitted to practice in the hospital into a formal medical staff, with appropriate officers and bylaws and with staff appointments on an annual basis; 2. Provision for procedure for appointment and reappointment of medical staff as provided by the standards of the Joint Committee on Accreditation of Hospitals; 3. Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet in accordance with the minimum requirements of the Joint Committee on Accreditation of Hospitals; and that the medical records of the patients shall be the basis for such review and analysis; 4. Provision that accurate and complete medical records be prepared and maintained for all patients (medical records to include identification data, personal and family history, history of present illness, physical examination, special examinations, professional or working diagnoses, treatment, gross and microscopic pathological findings, progress notes, final diagnosis, condition on discharge, and such other matters as the medical staff shall determine); and, 5. Such limitations with respect to the practice of medicine and surgery in the hospital as the board of directors may find to be in the best interests of the public health and welfare; provided, that no duly licensed physician and surgeon shall be excluded from staff membership solely because he be licensed by one or the other of the boards mentioned in Section 2005 of the Business and Professions Code.

Said rules of the hospital shall, insofar as consistent herewith, be in accord with and contain, minimum standards not less than the rules and standards of private or voluntary hospitals operating within the district.

SEC. 13. Section 32129.5 of the Health and Safety Code is amended to read:

32129.5. Notwithstanding any provision of Section 32129, the board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, for the purpose of assuring that a physician and surgeon will be on duty in an outpatient emergency department maintained by the hospital, on such basis as does not result in any profit or gain to the district from the professional services of such physician and surgeon.

SEC. 14. Section 32130 of the Health and Safety Code is amended to read:

32130. The district may borrow money and incur indebtedness in anticipation of the estimated tax revenue and other income for the current year in which the indebtedness is incurred. Such indebtedness shall not exceed 50 percent of the total amount of the estimated tax revenue and other income for the current year.

The district is further authorized when funds shall be needed to meet current expenses of maintenance and operation, to borrow money on certificates of indebtedness or other evidence of indebtedness in an amount not to exceed five cents (\$.05) on each one hundred dollars (\$100) of assessed valuation of the district, said certificates of indebtedness to run for a period not to exceed five years and to bear interest not to exceed 7 percent per annum.

All such certificates of indebtedness or other evidence of indebtedness shall be issued after the adoption by a three-fifths vote of the board of directors of the district of a resolution setting forth the necessity for such borrowing and the amount of the assessed valuation of the district and the amount of funds to be borrowed thereon. All such certificates of indebtedness or other evidence of indebtedness shall be offered at public sale by the board of directors of the district after not less than 10 days advertising in a newspaper of general circulation within the district and if no newspaper of general circulation is printed within the district, then in a newspaper of general circulation within the county in which the district is located. Each such sale shall be made to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost to the district; provided, however, that the rate of interest shall not exceed 7 percent per annum.

Such certificates of indebtedness or other evidences of indebtedness shall be signed on behalf of the district by the presiding officer and attested by the secretary of the board of directors of the district. The board of supervisors of the county in which the district lies shall, at the time of fixing the general tax levy, sometimes called the annual assessment or regular annual assessment for such district, and in the manner for such general tax levy provided, levy and collect annually each year until said certificates of indebtedness or other evidences of indebtedness are paid or until there shall be a sum

in the treasury set apart for that purpose sufficient to meet all sums coming due for principal and interest on such certificates of indebtedness or other evidence of indebtedness, a tax sufficient to pay the interest on such certificates of indebtedness as the same becomes due and also, to constitute a sinking fund for the payment of the principal thereof at maturity. Said tax shall be in addition to all of the taxes levied for district purposes and shall be placed in a certificate of indebtedness, interest and sinking fund of the district and, until all of the principal of the interest and certificates of indebtedness is paid, the money in said fund shall be used for no other purpose than the payment of said certificates of indebtedness and accruing interest thereon.

Notwithstanding any limitation as to the amount, nature or purpose of any indebtedness or other obligations referred to in this section, a district may also incur obligations and indebtedness pursuant to and make all rental, purchase, and other payments provided for in any agreement entered into by it pursuant to Section 32135.

SEC. 15. Section 32221 of the Health and Safety Code is amended to read:

32221. The board of directors may establish a fund for capital outlays; provided, that no part of said fund shall be used for acquisition of additional patient bed capacity by lease or purchase of any hospital buildings or facilities or for new construction of additional patient bed capacity for an existing hospital without the approval of the appropriate voluntary area health planning agency established pursuant to Section 437.7. If such fund is established, it shall include in the estimate required to be furnished to the board of supervisors a statement of the amount to be included in the annual assessment for this purpose. The amount to be raised shall be included in the tax limitation prescribed by Section 32203.

Notwithstanding any other provision of law, the board of supervisors may levy a tax in excess of the maximum tax levy specified in Section 32203 to be used for capital outlay if a majority of the district electors voting at an election held for that purpose approve the imposition of such tax.

SEC. 16. Section 32300.1 of the Health and Safety Code is amended to read:

32300.1. In determining the amount of bonds to be issued, the legislative body may include:

(a) All costs and estimated costs incidental to or connected with the acquisition, construction, improving or financing of the project.

(b) All engineering, inspection, legal and fiscal agent's fees, costs of the bond election and of the issuance of such bonds, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 17. Chapter 5 (commencing with Section 32315), is added to Division 23 of the Health and Safety Code, to read:

CHAPTER 5. REVENUE BONDS

32315. Notwithstanding any other provision of law, a local hospital district may issue revenue bonds pursuant to the provisions of Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code.

CHAPTER 624

An act to amend Section 11901 of the Health and Safety Code, relating to restricted dangerous drugs.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11901 of the Health and Safety Code is amended to read:

11901. "Restricted dangerous drugs," as used in this division, means any of the following:

(a) "Hypnotic drug" including acetyluric derivatives, barbituric acid derivatives, chloral, paraldehyde, sulfomethane derivatives, or any compounds or mixtures or preparations that may be used for producing hypnotic effects.

(b) "Amphetamine" including amphetamine, desoxyephedrine, or compounds or mixtures thereof.

(c) "Lysergic acid," "LSD" (lysergic acid diethylamide), "DMT" (N-N-dimethyltryptamine) and "STP" 4-methyl-2,5-dimethoxy alpha methyl phenethylamine), including their salts and derivatives, or any compounds, mixtures, or preparations which are chemically identical with such substances.

(d) Any other substance or preparation, which the Department of Public Health, after investigation, has found to have, and by regulation adopted pursuant to the Administrative Procedure Act designates as having, a potential for abuse because of its hallucinogenic effect; except that the department shall not designate under this subdivision any substance included in Section 11001 or 11002 of this code or Section 23004 of the Business and Professions Code. The authority of the department to adopt regulations pursuant to this subdivision shall not be exercised except during those times when the Legislature is not meeting in regular session. The department may, by regulation, exempt any hallucinogenic drug, other than those listed in subdivision (c), from the application of all or part of this division when it finds that regulation of such drug as provided in this division is not necessary for the protection of the public health. Substances or preparations designated by regulations adopted pursuant to this subdivision shall be the same insofar as practicable as those designated as having a potential for abuse because of their hallucinogenic effect by the United States Department of Health, Education,

and Welfare. Any regulation adopted pursuant to this subdivision shall be drafted in the form of a proposed law for submission to the next succeeding regular session of the Legislature and shall not remain in effect beyond 61 days after the final adjournment of that session of the Legislature. Notwithstanding any other provision of law, any violation of Section 11910 which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment; any violation of any other provision of this division which involves solely a substance or preparation designated pursuant to this subdivision shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 625

An act to amend Sections 634 and 700 of the Welfare and Institutions Code, relating to appointment of counsel for juveniles.

[Approved by Governor August 6, 1970 Filed with
Secretary of State August 6, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 634 of the Welfare and Institutions Code is amended to read:

634. When it appears to the court that the minor or his parent or guardian desires counsel but is unable to afford and cannot for that reason employ counsel, the court may appoint counsel. In a case in which the minor is alleged to be a person described in Section 601 or 602, the court shall appoint counsel for the minor if he appears at the hearing without counsel, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel by the minor; and, in the absence of such waiver, if the parent or guardian does not furnish counsel and the court determines that the parent or guardian has the ability to pay for counsel, the court shall appoint counsel at the expense of the parent or guardian. In any case in which it appears to the court that there is such a conflict of interest between a parent or guardian and child that one attorney could not properly represent both, the court may appoint counsel, in addition to counsel already employed by a parent or guardian or appointed by the court to represent the minor or parent or guardian. In a county where there is no public defender the court may fix the compensation to be paid by the county for service of such appointed counsel.

SEC. 2. Section 700 of the Welfare and Institutions Code is amended to read:

700. At the beginning of the hearing on a petition filed pursuant to Article 7 (commencing with Section 650) of this chapter, the judge or clerk shall first read the petition to those present and upon request of the minor upon whose behalf the petition has been brought or upon the request of any parent, relative or guardian, the judge shall explain any term of allegation contained therein and the nature of the hearing, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent or guardian or adult relative, as the case may be, has been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and such person, if present, of the right to have counsel present and where applicable, of the right to appointed counsel. If such person is unable to afford counsel and desires to have the minor represented by counsel, the court may in a case in which the minor is alleged to be within the provisions of Section 600, appoint counsel to represent the minor. In a case in which the minor is alleged to be a person described in Section 601 or 602, the court shall appoint counsel to represent the minor if he appears at the hearing without counsel, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right of counsel by the minor; and, in the absence of such waiver, if the parent or guardian does not furnish counsel and the court determines that the parent or guardian has the ability to pay for counsel, the court shall appoint counsel at the expense of the parent or guardian. The court shall continue the hearing for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parent or guardian or adult relative is unable to afford counsel at his own expense, and shall continue the hearing as necessary to provide reasonable opportunity for the minor and the parent or guardian or adult relative to prepare for the hearing.

CHAPTER 626

An act to add Section 17507.3 to the Education Code, relating to the public school system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17507.3 is added to the Education Code, to read:

17507.3. During the 1970-1971 fiscal year and the six subsequent fiscal years thereafter, the governing board of a unified

school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Sections 17507 and 17507.1, in order that a pilot program of team instruction in reading may be conducted in an elementary school within the district. The pilot program shall be conducted in such a manner that, insofar as practicable, one certificated employee and necessary instructional aides remain with the same students from kindergarten through grade 6 for instruction in reading.

The Superintendent of Public Instruction may grant the exemption pursuant to this section on a yearly basis, but not beyond the 1976-1977 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents presented by the district relating to the pilot program.

School districts operating programs under this section shall submit annual evaluations to the Superintendent of Public Instruction as to the academic progress of students enrolled in such programs.

The State Board of Education shall annually review the pilot program.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the pilot program authorized by this act can become operational at the commencement of the 1970-1971 fiscal year, it is necessary that this act take immediate effect.

CHAPTER 627

An act to add Section 61944 to the Agricultural Code, relating to milk.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 61944 is added to the Agricultural Code, to read:

61944. Any person who has testified under oath at a public hearing held by the director pursuant to this chapter may, within 10 calendar days following the closing date of the public hearing, file with the director a written posthearing brief in amplification, explanation, or withdrawal of such testimony. One copy of the brief shall be filed with the director at his office in Sacramento. A second copy of the brief shall be filed in the regional office of the director nearest the location at which the public hearing was held. Any such posthearing brief shall be made available by the director to any interested

person for inspection. Except as herein provided, the director, in formulating any stabilization and marketing plan, or in establishing any minimum wholesale and retail prices, pursuant to this chapter, following a public hearing, shall not accept or consider any posthearing brief.

CHAPTER 628

An act to add Section 61945 to the Agricultural Code, relating to milk.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 61945 is added to the Agricultural Code to read:

61945. Any provisions of a stabilization and marketing plan, and any minimum wholesale and minimum retail prices, formulated, established, or rejected by the director pursuant to this chapter, shall be accompanied by written statements, which shall be made available by the director to any interested person upon request, stating in substance the considerations upon which such plan provisions and minimum prices are based.

CHAPTER 629

An act to amend Sections 11543, 11543.5, 11543.6, and 11544 of the Business and Professions Code, relating to the Subdivision Map Act.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11543 of the Business and Professions Code is amended to read:

11543. Whenever a local ordinance requires that a subdivider install sanitary sewers, drains, or other facilities for sewers and drains as a condition precedent to the acceptance of a final map, and where, in the opinion of the governing body it is necessary that laterals or other facilities be constructed which can be, or will be, used for the benefit of property not in the subdivision, and such sanitary sewers, drains, or other facilities are dedicated to the public, the governing body may by contract with the subdivider agree to reimburse and may reimburse the subdivider for such lateral or other facility. Such contract shall provide that the governing body may collect from any person using such lateral or other facil-

ity for the benefit of property not within such subdivision a reasonable charge for such use.

SEC. 2. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of fees as a condition of approval of a final subdivision map for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas, and of constructing planned sanitary sewer facilities for local sanitary sewer areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision for which payment of fees is required;

(2) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area, which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities;

(3) The drainage or sanitary sewer plan, in the case of a city situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the governing body of the county to be in conformity with such a county plan, or in the case of a city situated in a county not having such a plan but in a district having such a plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the governing body of the county to be in conformity with such a plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or on the need for such facilities created by the proposed subdivision and development of other property within such areas;

(5) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(6) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such a plan for the area.

Fees required by an ordinance adopted pursuant to this section for planned local drainage or sanitary sewer facilities shall be paid into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer facilities fund for the local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

SEC. 3. Section 11543.6 of the Business and Professions Code is amended to read:

11543.6. Any city or county within a local drainage or sanitary sewer area may adopt the plan and map designated in Section 11543.5 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the drainage or sanitary sewer facilities. The charge collected must be paid to the county, city, or subdivider constructing the drainage or sanitary sewer facilities pursuant to Sections 11543 or 11543.5, and any city or county within the drainage or sanitary sewer area may enter into a reimbursement agreement with the subdivider.

SEC. 4. Section 11544 of the Business and Professions Code is amended to read:

11544. Whenever the governing body has reimbursed or agreed to reimburse a subdivider or school district for the construction of a drainage or sanitary sewer lateral or other facility, or any facilities contemplated by Section 15007 of the Education Code, which can or will be used by persons for the benefit of property other than that being subdivided by such subdivider, or for the benefit of property outside of a school

site belonging to the school district, such governing body may impose and collect for such use a reasonable charge.

SEC. 5. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of fees as a condition of approval of a final subdivision map, or parcel map for a division of land not defined as a subdivision, for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas and of constructing planned sanitary sewer facilities for local sanitary sewer areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance was adopted 30 days prior to the filing of the tentative map of any subdivision, or the filing of a parcel map for a division of land not defined as a subdivision, for which payment of fees is required:

(2) The ordinance refers to a drainage or sanitary sewer plan adopted for a particular drainage or sanitary sewer area, which contains an estimate of the total costs of constructing the local drainage or sanitary sewer facilities required by the plan, and a map of such area showing its boundaries and the location of such facilities;

(3) The drainage or sanitary sewer plan, in the case of a city, situated in a county having a countywide general drainage or sanitary sewer plan, has been determined by resolution of the governing body of the county to be in conformity with such a county plan, or in the case of a city situated in a county not having such a plan but in a district having such plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having such a plan and in a district having such a plan, has been determined by resolution of the governing body of the county to be in conformity with such a plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision, or division of land not defined as a subdivision, and development of property within the planned local drainage area or local sanitary sewer area will require construction of the facilities described in the drainage or sewer plan, and that the fees are fairly apportioned within such areas either on the basis of benefits conferred on property proposed for subdivision or other division or on the need for such facilities created by the proposed subdivision or other division and development of other property within such areas;

(5) The fee as to any property proposed for subdivision within such a local area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities

within such area which would be assessable on such property if such costs were apportioned uniformly on a per-acre basis.

(6) The drainage or sanitary sewer facilities planned are in addition to existing facilities serving the area at the time of the adoption of such plan for the area.

Fees required by an ordinance adopted pursuant to this section for planned local drainage or sanitary sewer facilities shall be paid into a "planned local drainage facilities fund" and a "planned local sanitary sewer fund," respectively. Separate funds shall be established for each local drainage and sanitary sewer area. Moneys in such funds shall be expended solely for the construction or reimbursement for construction of local drainage or sanitary sewer facilities within the area from which the fees comprising the fund were collected, or to reimburse the county or city for the cost of engineering and administrative services to form the district and design and construct the facilities. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing such facilities within a local drainage or sanitary sewer area and reimburse the general fund for such advances from the planned local drainage or sanitary sewer area in which the drainage or sanitary sewer facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage or sanitary sewer facilities within a local drainage or sanitary sewer area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage or sanitary sewer facilities fund.

SEC. 6. It is the intent of the Legislature, if amendments to Section 11543.5 of the Business and Professions Code proposed both by this bill and Assembly Bill 899 are enacted, that both amendments be given effect and incorporated in Section 11543.5 in the form set forth in Section 5 of this act. Therefore, in the event Assembly Bill 899 is enacted and amends Section 11543.5, Section 5 of this act shall become operative at the same time that Section 11543.5 as amended by Assembly Bill 899 becomes operative, and at that time, Section 11543.5 of the Business and Professions Code as amended by Section 2 of this act is repealed.

CHAPTER 630

An act to amend Section 18084 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18084 of the Revenue and Taxation Code is amended to read:

18084. The period referred to in Section 18083 shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(a) Two years after the close of the first taxable year in which any part of the gain upon the conversion is realized; or

(b) Subject to such terms and conditions as may be specified by the Franchise Tax Board, at the close of such later date as the Franchise Tax Board may designate upon application by the taxpayer. Such application shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe.

CHAPTER 631

An act to amend Sections 23358 and 23390 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 6, 1970 Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23358 of the Business and Professions Code is amended to read:

23358. Licensed winegrowers, notwithstanding any other provisions of this division, may also sell wine and brandy to any person holding a license authorizing the sale of wine or brandy, and to consumers for consumption off the premises where sold, and may also sell only wine and brandy to consumers for consumption on the premises in a bona fide eating place as defined in Section 23038 of this code, which is located on the licensed premises or on premises owned by the licensee that are contiguous to the licensed premises and which is operated by and for the licensee. At such bona fide public eating place wine and brandy may be used in the preparation of food and beverages to be consumed on the premises. A winegrower shall actually produce on his licensed premises by conversion of grapes, berries or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his licensed premise or premises and any licensed branch premise or premises.

The department may, if it shall determine for good cause that the granting of such privilege would be contrary to public welfare or morals, deny the right to exercise the on-sale privilege authorized by this section in any bona fide eating place

the main entrance to which is within 200 feet of a school or church.

SEC. 3. Section 23390 of the Business and Professions Code is amended to read:

23390. A licensed winegrower or brandy manufacturer, in addition to exercising all the privileges of his license at his licensed premises, may exercise all his license privileges at or from branch offices or warehouses, or United States bonded wine cellars located away from his place of production or manufacture, other than production or manufacture, the sale of wine or brandy to consumers for consumption on the premises in a bona fide eating place, and the sale or delivery of wine to consumers in containers supplied, furnished, or sold by the consumer. The department shall upon request issue to a winegrower or brandy manufacturer a duplicate of his original license for a location or locations other than his wine production or brandy manufacture premises. The duplicate license authorizes the maintenance and operation of each branch or warehouse or United States bonded wine cellar declared and designated by the winegrower or brandy manufacturer at the location for which the duplicate license is issued. The fee for each duplicate winegrower's license is an amount equal to the license fee payable for a like period for a wholesale beer and wine license, and for each duplicate brandy manufacturer's license an amount equal to the fee paid for the original license.

Notwithstanding the provisions of any other section of this division, a duplicate winegrower's license or duplicate brandy manufacturer's license shall be issued forthwith upon the application therefor. In the event any protest is received by the department concerning the issuance of such duplicate license, the protest shall be considered as an accusation against the licensee and a hearing had thereon as if an accusation had been filed.

For 30 days from the date of the issuance of such duplicate license, no retail sales of wine or brandy shall be made at any branch office for which a duplicate winegrower's license or duplicate brandy manufacturer's license is issued pursuant to this section.

CHAPTER 632

An act to add Section 10012.6 to the Elections Code, relating to elections.

[Approved by Governor August 6, 1970. Filed with Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10012.6 is added to the Elections Code, to read:

10012.6. Each voter's pamphlet prepared pursuant to Section 10012.5 shall contain a statement in the heading of the

first page in heavy-faced gothic type, not smaller than 10 point, that (1), the pamphlet does not contain a complete list of candidates and that a complete list of candidates appears on the sample ballot (if any candidate is not listed in the pamphlet); and that (2), each statement of qualifications in the pamphlet is volunteered by the candidate, and (if printed at the candidate's expense) is printed at his expense.

CHAPTER 633

An act to amend Sections 10091, 10093, and 10094 of the Insurance Code, relating to basic property insurance.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10091 of the Insurance Code is amended to read:

10091. Unless the provision or context otherwise requires, the following definitions shall govern the construction of this chapter:

(a) "Association" means a joint reinsurance association consisting of all insurers licensed to write and engaged in writing in this state on a direct basis, basic property insurance or any component thereof in multiperil policies.

(b) "Commissioner" means the Insurance Commissioner of this state.

(c) "Basic property insurance" means insurance against direct loss to real or tangible personal property at a fixed location in those geographic or urban areas designated by the commissioner, from perils insured under the standard fire policy and extended coverage endorsement and vandalism and malicious mischief and such other insurance coverages as may be added with respect to such property by the industry placement facility with the approval of the commissioner or by the commissioner, but shall not include insurance on automobile or farm risks.

(d) "Inspection bureau" means the fire insurance rating organization designated by the industry placement facility with the approval of the commissioner to make inspections to determine the condition of the properties for which basic property insurance is sought and to perform such other duties as may be authorized by the industry placement facility.

(e) "Industry placement facility," or "facility," means the organization formed by insurers licensed to write and engaged in writing basic property insurance within this state to assist persons in securing basic property insurance and to formulate and administer a program for the equitable apportionment among such insurers of such basic property insurance.

(f) "Premiums written" means gross direct premiums

charged with respect to property in this state on all policies of basic property insurance and the basic property insurance premium components of all multiperil policies, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

(g) "Insurer" means any person who undertakes to indemnify another against loss, damage, or liability arising from a contingent or unknown event, and shall include reciprocals and interinsurance exchanges.

SEC. 2. Section 10093 of the Insurance Code is amended to read:

10093. (a) Any person having an insurable interest in real or tangible personal property who, after diligent effort, has been unable to obtain basic property insurance through normal channels from an admitted insurer or a licensed surplus line broker, shall be entitled upon application to the facility to an inspection of the property by representatives of the inspection bureau. Such inability to obtain such insurance after diligent effort through normal channels may, in the discretion of the association, be demonstrated by a signed general statement to that effect on a form prescribed by the association.

(b) The manner and scope of the inspection and the form of the inspection report shall be prescribed by the facility with the approval of the commissioner. The inspection shall include, but need not be limited to, pertinent structural and occupancy features as well as the general condition of the building and surrounding structures. A representative photograph of the property may be taken as part of the inspection.

(c) Promptly after the request for inspection is received, an inspection shall be made and an inspection report filed with the company or companies designated by the facility. A copy of the completed inspection report shall be sent to the facility and to the applicant upon request.

SEC. 3. Section 10094 of the Insurance Code is amended to read:

10094. Within 30 days after the effective date of this chapter, with the approval of the commissioner, all insurers licensed to write and engaged in writing in this state, on a direct basis, basic property insurance or any component thereof in multiperil policies, shall establish an industry placement facility to formulate and administer a program for the equitable apportionment among such insurers of basic property insurance which may be afforded persons having an interest in real or tangible personal property who, after diligent effort (as specified in subdivision (a) of Section 10093), are unable to procure such insurance through normal channels from an admitted insurer or a surplus line broker. Each such insurer, as a condition of its authority to transact such kinds of insurance in this state, shall participate in such industry placement facility program in accordance with rules to be established by a governing committee consisting of nine insurers elected annually in the manner to be provided in the program. The

governing committee shall, in addition, have as nonvoting members one representative of insurance agents, one representative of insurance brokers, one representative of surplus line brokers, and one representative of the public, each to be appointed by the Governor. The governing committee may establish separate classifications of written premiums for the purpose of equitable distribution but shall not include premiums from automobile or farm risks. The program may also provide, with the approval of the commissioner, for assessment of all members in amounts sufficient to operate the facility, and may establish maximum limits of liability to be placed through the program, reasonable underwriting standards for determining insurability of a risk, and commission to be paid to the licensed producer designated by the applicant.

CHAPTER 634

An act to amend Section 253.2 of the Streets and Highways Code, relating to state highways.

[Approved by Governor August 6, 1970. Filed with
Secretary of State August 6, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 253.2 of the Streets and Highways Code is amended to read:

253.2. The California freeway and expressway system shall also include:

Route 1 from:

- (a) Route 5 south of San Juan Capistrano to Route 107.
- (b) Route 105 to Route 90.
- (c) Dewey Street in Santa Monica to Route 101 near El Rio.
- (d) Route 101 near Las Cruces to Route 227 south of Oceano.
- (e) Route 101 near San Luis Obispo to San Simeon.
- (f) Carmel to Route 280 south of San Francisco.
- (g) Route 280 to the San Francisco county line.
- (h) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.
- (i) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

- (a) Route 405 near Santa Monica to Route 210.
- (b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

- (a) Route 80 near Hercules to Route 99 near Stockton.
- (b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 12 from:

(a) Route 1 near Valley Ford to Route 101 at Santa Rosa.

(b) Route 101 near Santa Rosa to Melita Road near Santa Rosa.

(c) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(d) Route 80 near Fairfield to Route 84 at Rio Vista.

(e) Route 84 near Rio Vista to Route 99 near Lodi.

(f) Route 99 near Lodi to Route 88 near Lockeford.

(g) Route 88 near Clements to Route 49 near San Andreas.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

CHAPTER 635

An act to amend Section 1200.5 of the Health and Safety Code, relating to licenses, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 7, 1970. Filed with
Secretary of State August 7, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1200.5 of the Health and Safety Code is amended to read:

1200.5. This chapter does not apply to, and no license is required by, a place or establishment owned or leased and operated as a clinic or an office by one or more licensed physicians and surgeons or one or more licensed dentists or one or more licensed chiropodists, and used as an office for the practice of medicine and surgery or dentistry or chiropody, as the case may be, by such persons, regardless of the name used publicly to identify such place or establishment. Such place or establishment may be owned or leased by such persons.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Presently there is a question in the law as to whether establishments owned by nonmedical persons, but leased and operated by those persons specified in Section 1200.5 of the Health and Safety Code, come within the provisions of such section. The legality of such establishments is in question daily, and to remove this question and any doubt as to the legal position of such establishments, the amendments made by this act should be enacted. It is therefore necessary that this act go into immediate effect.

CHAPTER 636

An act to amend Section 986.01 of the Military and Veterans Code, relating to farm and home purchases.

[Approved by Governor August 10, 1970. Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 986.01 of the Military and Veterans Code is amended to read:

986.01. On and after November 13, 1972, all applications for the benefits contained in this article shall be filed with the department within 20 years from the date of the applicant's discharge from the service.

CHAPTER 637

An act to add Section 18973.5 to the Government Code, relating to the state civil service.

[Approved by Governor August 10, 1970. Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18973.5 is added to the Government Code, to read:

18973.5. For the purpose of Section 18973, an entrance examination is any open competitive examination other than one for a class having a requirement of both college graduation and two or more years of experience.

SEC. 2. The amendments made by this act shall be applicable only to examinations which result in eligible lists established after the effective date of this act.

CHAPTER 638

An act to add Section 5108 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 10, 1970. Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5108 is added to the Revenue and Taxation Code, to read:

5108. Interest at the rate of 6 percent per annum shall be paid, when such interest is ten dollars (\$10) or more, on amounts refunded under Section 5096.3 or 5096.7, or refunded

as a result of the reduction of assessed value following an application for equalization by a board of equalization or by a court action to recover taxes. However, no interest shall be paid under the provisions of this section if the taxpayer has been given the notice required by Section 2635 and has failed to apply for the refund within 30 days after the mailing of such notice.

Interest allowed under this section shall be computed from the date of the recording of the deed to the public agency acquiring the property in eminent domain to the date of the filing of the claim for refund, or from the date of the payment of the tax on property subject to an application for equalization of the assessed value thereof to the date of the determination of the equalized value of the property; provided, however, that no interest shall be paid under the provisions of this section if such period of time is 30 days or less.

The interest charged shall be apportioned to the appropriate funds, as determined by the county auditor.

CHAPTER 639

An act to amend Section 1825 of the Education Code, relating to school district bond indebtedness, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1970. Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1825 of the Education Code is amended to read:

1825. Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, whether or not previously existing, the territory of the district so divided as constituted prior to said division, shall remain liable for the outstanding bonded indebtedness of said district existing at the time of said division, and said territory shall, except as otherwise provided in this section, be liable for taxation for the repayment of principal and interest on said outstanding bonded indebtedness until the same is fully retired.

(a) Whenever in the creation or dissolution of a school district, or the change of boundaries thereof, pursuant to any provision of Division 5 of this code, an existing district having outstanding bonded indebtedness is divided between two or more districts, and as a result of said division, real property and improvements thereon, if any, which are the property of the divided district are transferred to one or more new or existing districts, the county superintendent of schools

shall, for each acquiring district, calculate a "bond factor" to be computed as follows:

(1) The county superintendent of schools shall separately appraise the fair market value as of the date the action of division is complete, of all parcels of real property and improvements thereon, if any, which are the property of the divided district on said date, and thereafter compute the total fair market value of all real property and improvements thereon, if any, which are the property of the divided district on the date the action of division is complete, which total shall be the denominator of each "bond factor" computation;

(2) The county superintendent of schools shall then compute the total fair market value as appraised of those parcels of real property and improvements thereon, if any, to be acquired from the divided district by each acquiring district, which total shall be the numerator of the bond factor calculated for each acquiring district.

(b) The county superintendent of schools shall multiply each bond factor computed pursuant to subdivision (a) of this section, by the total principal of bonded indebtedness, and interest thereon to maturity, of the divided district outstanding as of the date the action of division is complete, and shall certify to each acquiring district the amount resulting from the multiplication of the bond factor computed for said acquiring district as herein provided. The amount so certified to each acquiring district shall be designated "use charge."

(c) Beginning the fiscal year in which the aforementioned action or division is effective for all purposes the district acquiring the real property and improvements thereon, if any, as herein provided, shall pay annually to the county superintendent of schools for deposit in a separate fund that portion of the use charge certified as herein provided equal to the amount which would be annually required to pay principal of and interest on that portion of the bonded indebtedness of the divided district outstanding as of the date the action of division is effective for all purposes as represented by the use charge certified as herein annually the amounts deposited in said fund as herein provided for the payment of principal of and interest on the outstanding bonded indebtedness of the divided district. To the extent that said annual payments to the county superintendent of schools are sufficient to pay the principal of and interest on said outstanding bonded indebtedness as the same become due, the territory of the divided district shall not be taxed therefor.

(d) The annual payment required by the provisions of subdivision (c) hereinabove to be made by the acquiring district shall be designated the "use payment". Beginning the fiscal year in which the action of division is effective for all purposes, the county board of supervisors shall, each year, levy a tax upon the territory of the acquiring district in an amount sufficient to enable said district to make the annual use payment as hereinabove provided. Said tax shall be in

addition to any other taxes authorized by law or by election.

(e) Notwithstanding any other provision of this code, for purposes of the State School Building Aid Law, that amount of outstanding bonded indebtedness of the divided district equal to what would have been certified as the use charge, if the same had been computed without reference to any interest on the principal of the bonded indebtedness, shall be considered a liability of the district liable for the use payment for purposes of computing bonding capacity of said district.

(f) When a use charge certified as herein provided has been paid in full, the use payments herein provided shall cease.

(g) If an existing high school district is divided and a unified school district is formed from the territory within such high school district, and such division and formation is effective for all purposes on July 1, 1969, the county superintendent of schools, in computing the bond factor pursuant to subdivision (a) of this section, shall include in the appraisal of real property and improvements an amount equal to the funds of the high school district which are required to be expended for a project pursuant to Chapter 10 (commencing with Section 19551) of Division 14.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the bonding capacities of reorganized school districts be calculated in a uniform manner at the earliest possible date to determine qualifications for loans under the School Building Bond Aid Law, it is necessary that this act take effect immediately.

CHAPTER 640

An act to amend Section 1714.1 of the Civil Code, relating to parental liability.

[Approved by Governor August 10, 1970. Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1714.1 of the Civil Code is amended to read:

1714.1. Any act of willful misconduct of a minor which results in injury or death to another person or in any injury to the property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct.

The joint and several liability of one or both parents having custody or control of a minor under this section shall not

exceed one thousand dollars (\$1,000) for each tort of the minor, and in the case of injury to a person, such imputed liability shall be further limited to medical, dental and hospital expenses incurred by such injured person, not to exceed one thousand dollars (\$1,000). The liability imposed by this section is in addition to any liability now imposed by law.

CHAPTER 641

An act to amend Section 24944 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor August 10, 1970 Filed with
Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24944 of the Revenue and Taxation Code is amended to read:

24944. If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in Section 24943(b)) occurred after December 31, 1952, the gain (if any) shall be recognized except to the extent hereinafter provided in this section:

(a) If the taxpayer during the period specified in subdivision (b), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more income years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe. For purposes of this subdivision—

(1) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(2) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of Section 24947, the unadjusted basis of such property or stock would be its cost within the meaning of Section 24912.

(b) The period referred to in subdivision (a) shall be the period beginning with the date of the disposition of the con-

verted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(1) Two years after the close of the first income year in which any part of the gain upon the conversion is realized; or

(2) Subject to such terms and conditions as may be specified by the Franchise Tax Board, at the close of such later date as the Franchise Tax Board may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Franchise Tax Board may by regulations prescribe.

CHAPTER 642

An act to amend Section 5545 of the Public Resources Code, relating to regional park districts.

[Approved by Governor August 10, 1970. Filed with Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5545 of the Public Resources Code is amended to read:

5545. It may levy and collect, or cause to be levied and collected, taxes to carry out any of its objects or purposes and to pay the obligations of the district. Taxes levied for any one fiscal year shall not exceed ten cents (\$.10) on each one hundred dollars (\$100) of the assessed value of all real and personal property within the district. Any tax provided for in this section shall be exclusive of any tax levied to meet the bonded indebtedness of the district and the interest thereon.

CHAPTER 643

An act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by amending Sections 4 and 10 thereof, relating to practice of chiropractic, said amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution.

[Approved by Governor August 10, 1970. Filed with Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 of the act cited in the title is amended to read:

Sec. 4. Powers of board. The board shall have power:

(a) To adopt a seal, which shall be affixed to all licenses issued by the board.

(b) To adopt from time to time such rules and regulations as the board may deem proper and necessary for the performance of its work, the effective enforcement and administration of this act, the establishment of educational requirements for license renewal, and the protection of the public. Such rules and regulations shall be adopted, amended, repealed and established in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(c) To examine applicants and to issue and revoke licenses to practice chiropractic, as herein provided.

(d) To summon witnesses and to take testimony as to matters pertaining to its duties; and each member shall have power to administer oaths and take affidavits.

(e) To do any and all things necessary or incidental to the exercise of the powers and duties herein granted or imposed.

(f) To determine minimum requirements for teachers in chiropractic schools and colleges.

(g) To approve chiropractic schools and colleges whose graduates may apply for licenses in this state. Any school meeting the requirements of Section 5 of this act and the rules and regulations adopted by the board shall be eligible for such approval.

(h) The board may employ such investigators, clerical assistants, and other employees as it may deem necessary to carry into effect the provisions of this act, and shall prescribe the duties of such employees.

SEC. 2. Section 10 of the act cited in the title is amended to read:

Sec. 10. (a) The board may by rule or regulation adopt, amend, or repeal rules of professional conduct appropriate to the establishment and maintenance of a high standard of professional service and the protection of the public. Such rules or regulations shall be adopted, amended, or repealed in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature.

(b) The board shall refuse to grant, or may suspend or revoke, a license to practice chiropractic in this state, or may place the licensee upon probation or issue a reprimand to him, for violation of the rules and regulations adopted by the board in accordance with this act, or for any cause specified in this act, including, but not limited to: The employment of fraud or

deception in applying for a license or in passing an examination as provided in this act; the practice of chiropractic under a false or assumed name; or the personation of another practitioner of like or different name; the conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to incapacitate him for the performance of his professional duties; the advertising of any means whereby the monthly periods of women can be regulated or the menses reestablished if suppressed; or the advertising, directly, indirectly or in substance, upon any card, sign, newspaper advertisement, or other written or printed sign or advertisement, that the holder of such license or any other person, company or association by which he or she is employed, or in whose services he or she is, will treat, cure, or attempt to treat or cure, any venereal disease, or will treat or cure, or attempt to treat or cure, any person afflicted with any sexual disease, for lost manhood, sexual weakness or sexual disorder or any disease of the sexual organs; or being employed by, or being in the service of any person, company or association so advertising. The proceedings for the refusal to grant, suspension or revocation of a license upon any of the foregoing grounds shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code as it now reads or as it may be hereafter amended by the Legislature, and the board shall have all the powers granted therein. The secretary on all cases of revocation shall enter on his register the fact of such revocation, and shall certify the fact of such revocation under the seal of the board to the county clerk of the counties in which the certificates of the person whose certificate has been revoked is recorded; and said clerk must thereupon write upon the margin or across the face of his register of the certificate of such person the following: "This certificate was revoked on the _____ day of _____," giving the day, month and year of such revocation in accordance with said certification to him by said secretary. The record of such revocation so made by said county clerk shall be prima facie evidence of the fact thereof, and of the regularity of all proceedings of said board in the matter of said revocation.

(c) At any time after two years following the revocation or cancellation of a license or registration under this section, the board may, by a majority vote, reissue said license to the person affected, restoring him to, or conferring on him all the rights and privileges granted by his original license or certificate. Any person to whom such rights have been restored shall pay to the secretary the fee specified in Section 5 upon the issuance of a new license.

SEC. 3. Sections 1 and 2 of this act shall become effective only when submitted to and approved by the electors, pursuant to subdivision (c) of Section 24 of Article IV of the Constitution of the state.

SEC. 4. Sections 1 and 2 of this act shall be submitted to the electors for their approval or rejection at the next succeed-

ing general election occurring at any time subsequent to 130 days after this section takes effect, or at any statewide special election which may be called by the Governor, in his discretion, prior to such general election, in the same manner that a constitutional amendment proposed by the Legislature would be submitted, and all of the provisions of law relative to submission of such constitutional amendments to the electors and to matters incidental thereto shall apply to the submission of Sections 1 and 2 of this act, except as otherwise provided in this section or as such provisions may be clearly inapplicable for the submission of an amendment to an initiative measure pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution.

CHAPTER 644

An act to repeal Section 1762 of the Health and Safety Code, relating to emergency medical care.

[Approved by Governor August 10, 1970. Filed with Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1762 of the Health and Safety Code is repealed.

CHAPTER 645

An act to amend Section 38002 of the Government Code, relating to urban open space.

[Approved by Governor August 10, 1970. Filed with Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 38002 of the Government Code is amended to read:

38002. As used in this chapter, "improvement" includes a public park, urban open space lands, playground, or library.

CHAPTER 646

An act relating to taxation of vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 10, 1970. Filed with Secretary of State August 10, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the repeal by Chapter 90, Statutes of 1966, First Extraordinary Session, of Part 5.5

(commencing with Section 11101) of Division 2 of the Revenue and Taxation Code as enacted by Chapter 1852, Statutes of 1963, a county may expend any funds collected pursuant to the part for planning, acquiring, constructing, operating, or maintaining a rapid transit system

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to coordinate pending studies in those counties to which this act applies relating to transportation needs and rapid transit in such counties, it is necessary that this act take effect immediately.

CHAPTER 647

An act to amend Sections 21221 and 21224 of, and to add Section 21227 to, the Government Code, relating to Public Employees' Retirement System.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21221 of the Government Code is amended to read:

21221. The following definitions shall govern the application of this article:

(a) "Monthly allowance" means any allowance payable monthly to a retired person, a survivor or beneficiary of a member or a retired person, other than a monthly installment of a basic death benefit, the commuted value of an unpaid temporary annuity, or an optional settlement No. 1, or allowances payable under Article 6 of this chapter. There shall be excluded from any such monthly allowance, for purposes of any adjustment under this article, any portion of such allowance derived from accumulated additional contributions of a member.

(b) "Base allowance" means the amount of monthly allowance which would be payable to the recipient at the time of an annual adjustment under this article had this article not been enacted.

(c) "California Consumer Price Index" means an index stated as the average of the separate annual Consumer Price Indexes for the Los Angeles-Long Beach area and the San Francisco-Oakland area published by the Bureau of Labor Statistics of the United States Department of Labor. Should the reference base of said consumer price indexes (presently 1957-59 = 100) be changed, each of said indexes used to determine the consumer price index as defined in this section will be the

indexes converted to the new base by standard statistical methods.

(d) "Base year" means:

(1) The calendar year 1965 for all members whose retirement occurred prior to January 1, 1966, and for the beneficiaries and survivors of such retired members.

(2) The calendar year of retirement for all members whose retirement occurs after December 31, 1965, and for the beneficiaries and survivors of such members.

(3) The calendar year 1965 for survivors of members whose death occurred before January 1, 1966.

(4) The calendar year in which a member's death occurs for survivors of members whose death occurred before retirement and on or after January 1, 1966.

SEC. 2. Section 21224 of the Government Code is amended to read:

21224. The adjustments provided by this article are subject to the following limitations:

(a) No adjustment shall be made for any year for which the adjustment is less than 1 percent of the base allowance, and the adjustment for any year shall not exceed 6 percent of the base allowance.

(b) No monthly allowance in any year may exceed an amount equal to the base allowance increased by 2 percent per year compounded for the number of years intervening between the end of the base year and the beginning of the calendar year in which the adjustment is made.

(c) No monthly allowance in any year shall be less than the base allowance.

(d) No adjustment shall be made in any year in which the actuarial interest rate is less than 4.5 percent.

SEC. 3. Section 21227 is added to the Government Code, to read:

21227. The amendments to this article at the 1970 Regular Session defining "base year" and changing the maximum adjusted allowance which may be paid in any year shall apply only with respect to adjustments in allowances for time commencing on or after the annual adjustment date next following the date upon which the actuarial interest rate is fixed at 5 25 percent or higher. Such amendment shall not apply to allowances payable for service to a public agency whose contract is terminated prior to the effective date of such amendments.

SEC. 4. This act shall become operative on the first of the month following the month in which statutes enacted at the 1970 Regular Session become operative.

CHAPTER 648

An act to amend Section 2805 of the Vehicle Code, relating to motor vehicles.

The people of the State of California do enact as follows:

SECTION 1. Section 2805 of the Vehicle Code is amended to read:

2805. A member of the California Highway Patrol may inspect any vehicle of a type required to be registered under this code on a highway or in any public garage, repair shop, parking lot, used car lot, automobile dismantler's lot, or other similar establishment, for the purpose of locating stolen vehicles, investigating the title and registration of vehicles, or inspection of vehicles wrecked or dismantled.

CHAPTER 649

An act to add Chapter 14 (commencing with Section 28800) to Division 21 of the Health and Safety Code, relating to retail food production and marketing establishments.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 14 (commencing with Section 28800) is added to Division 21 of the Health and Safety Code, to read:

CHAPTER 14. RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENTS LAW

Article 1. Declaration of Policy and Definitions

28800. The Legislature finds and declares that the public health interest requires that the people of this state be protected from adulterated food made and sold at retail marketing establishments, and that such protection is a matter of statewide concern. It is the purpose of this chapter to establish uniform statewide sanitation standards for retail food production and marketing establishments and to prescribe means for assuring that these standards are met. It is the intention of the Legislature to occupy the whole field of sanitation standards for retail food production and marketing establishments, and the standards set forth in this chapter and regulations adopted pursuant to its provisions shall be exclusive of all local regulations relating to sanitation standards for such establishments.

28801. "Food," as used in this chapter, means all articles used for food, drink, confection, or condiment, for human consumption, or consumption by any animal which is maintained in the home as a pet, whether simple or compound, and all substances and ingredients used in the preparation thereof.

The term, however, does not include any commercial feed as defined in Section 14902 of the Agricultural Code.

28802. "Retail food production and marketing establishment," as used in this chapter, means any room, building, or place, or portion thereof, maintained, used, or operated for, or in conjunction with, the retail sale of food, or preparation of food. Retail food production and marketing establishment does not include a restaurant, including an "itinerant restaurant," "vehicle" and "vending machine" as defined in Chapter 11 (commencing with Section 28520) of this division, "bakery" as defined in Chapter 6 (commencing with Section 28190) of this division, wholesale food manufacturing, distributing or storage establishment, including, but not limited to, the licensed premises or branch office of a winegrower, brandy manufacturer, or wine blender, subject to the provisions of Chapter 7 (commencing with Section 28280) of this division, or a locker plant subject to the provisions of Chapter 12 (commencing with Section 28700) of this division, a roadside stand operated by a grower for the sale of his own produce grown on the property where the stand is located, health facilities subject to the provisions of Chapters 2 (commencing with Section 1400) and 3 (commencing with Section 1500) of Division 2 of this code, or official meat establishments subject to the provisions of the Agricultural Code.

28803. "Employee" means any person working in a food establishment covered by this chapter.

28804. "Utensil" means any kitchenware, cutlery, container, implement, wrapper, or other equipment with which food comes in contact during storage, display, preparation, sale, or through use by an employee or consumer.

28805. "Single service," as used with reference to any utensil, container, implement, wrapper, or other article, means a utensil, container, implement, wrapper, or other article intended for use only once in the preparation, storage, display, service, or consumption of food or beverage.

28806. "Food establishment," when used in this chapter, means a retail food production and marketing establishment as defined in Section 28802.

28807. "Local health officer" means the city, county, or local health district health officer having jurisdiction over a food establishment covered by this chapter.

28808. "Food preparation," as used in this chapter, means any operation by which the form, flavor, or consistency of food is changed. It includes, but is not limited to, cooking, seasoning, cutting, and grinding.

28809. "Produce" means any fruit or vegetable in its raw or natural state.

28810. "Potentially hazardous food" means any food which consists in whole or in part of ingredients capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms, including, but not limited to, milk or milk products, eggs, meat, poultry, fish, or shellfish. "Po-

tentially hazardous food" shall not include food that has been processed and packaged so as to prevent the growth of pathogenic micro-organisms, or any uncracked shell eggs which are not inedible eggs as defined in Section 27520 of the Agricultural Code.

Article 2. Requirements for Retail Food Production and Marketing Establishments

28820. All food establishments shall be housed in a building consisting of floors, walls, and overhead structure which meets the minimum standard prescribed by this chapter or rules or regulations adopted by the department pursuant to this chapter.

28821. The floor surfaces in all rooms in which food or produce is prepared, where utensils are washed or refuse or garbage is stored, and the floor surfaces of toilets, and of walk-in refrigerators shall be of such nonabsorbent construction material as to be easily cleaned. Any such floor constructed or remodeled after the effective date of this chapter shall be coved at the floor wall juncture with a three-eighths-inch coving, the floor surface to be extended up the wall at least six inches and shall have sufficient, properly installed floor drains so as to adequately keep moisture from accumulating on the floor.

28821.5. All floors shall be smooth, in good repair, and kept clean. The use of sawdust on floors is prohibited. Floors which are otherwise smooth and in good repair shall be considered to comply with this section if grit is added to the surface during construction to provide employee safety from slipping.

28822. The walls and ceilings of all rooms in which foods or beverages are stored or prepared, utensils are washed, or refuse or garbage is stored, and the walls and ceilings of toilet, dressing or locker rooms, and walk-in refrigerators, shall be of smooth, washable surface and shall be kept clean and in good repair. This section shall not be applicable to storage rooms where foods or beverages in unopened bottles, cans, cartons, sacks, or other original shipping containers are stored, but such storage rooms shall be kept in a sanitary condition and in good repair.

28823. Walls and ceilings of all rooms shall be cleaned as often as necessary to maintain them in a clean condition. In rooms or areas where food is prepared, or where utensils are washed, moisture-resistant, acoustical tile may be used, if it is installed at least six feet above the floor and if, where used, it complies with all applicable requirements of this section and Section 28822.

28824. All food establishments shall be so constructed, equipped, maintained, and operated as to prevent the entrance, harborage, and breeding of rodents and insects. When rodents and insects are present, control measures shall be instituted and maintained for their elimination.

28825. Light shall be provided in all areas and rooms of a food establishment. Rooms or areas in which food is prepared or displayed or in which utensils are washed and toilet and dressing rooms shall be provided with at least 20 foot-candles of light as measured 30 inches above floor. Food and utensil storage rooms shall be provided with at least 5 foot-candles of light as measured 30 inches above the floor. During general cleanup activities, not less than 20 foot-candles of light shall be provided in the area being cleaned.

28826. All food preparation and dishwashing areas shall have sufficient ventilation to provide a reasonable condition of comfort for the employees working there, consistent with the job performed by the employee. Mechanical exhaust ventilation equipment shall be provided for all stoves, deep fat fryers, grills, range tops and similar equipment, and ovens, when necessary to effectively remove cooking odors, smoke, steam, grease, and vapors. The exhaust equipment shall be operated whenever the cooking equipment is in use. The provisions of this section shall not apply to barbecues and rotisseries operated in a food establishment when such equipment has been submitted to the department for evaluation, and it has been found that the equipment does not produce toxic gases, visible smoke, grease, vapors, and heat when operated under conditions recommended by the manufacturer.

28827. Clean toilet facilities, in good repair, shall be provided for employees in each food establishment. The number of toilet facilities required shall be in accordance with local building and plumbing ordinances. Toilet rooms shall be separated by well-fitted, self-closing doors that prevent passage of flies, dust, or odors.

Hand washing facilities, in good repair, shall be provided for employees within or adjacent to toilet rooms and shall be equipped with an adequate supply of hot and cold running water under pressure from a combination faucet, or tepid water from a premixing faucet, which supply warm water while both hands are free for washing. Hand washing detergent or soap, single-use sanitary towels, and toilet tissue in permanently installed dispensers shall be provided.

No person shall begin or resume work in a food establishment after visting the toilet without first washing his hands. Legible signs shall be posted in each toilet room directing attention to this requirement.

A room or enclosure to provide privacy, and separated from toilets or any food preparation area, shall be provided, where employees may change and store their outer garments and personal effects. If outer garments are kept in a food storage area, a space shall be set aside for this purpose and all outer garments and personal effects shall be kept in the prescribed place. No employee shall dress or undress or store his clothing in any other area on the premises. All toilets, lavatory facilities, and dressing rooms, or enclosures shall be maintained in a clean and sanitary condition.

28828. An adequate supply of hot and cold running water under pressure shall be provided in all areas in which food is prepared or utensils are washed. The water supply shall be from a water system approved by the local health officer as specified in Chapter 7 (commencing with Section 4010), of Part 1 of Division 5 of this code.

28829. All plumbing shall be installed in compliance with local plumbing ordinances and maintained so as to prevent potential contamination of the water supply and prevent the possibility of contamination of foods and specialized equipment used in the washing of utensils.

28830. All utensils and all show and display cases or windows, counters, shelves, tables, refrigeration equipment, sinks, dishwashing machines, and other equipment or utensils used in connection with the preparation, sale, and display of food in the operation of a food establishment shall be made of non-toxic materials and so constructed, installed, and maintained as to be easily cleaned, and shall be kept clean and in good repair. All refrigerators, steamtables, display cases, and other similar equipment which discharge liquid waste shall be connected to the sewer system by means of an indirect connection. Indirect waste receptors shall be located so as to be readily accessible for inspection and cleaning.

28831. All food waste and rubbish containing food waste shall be kept in leakproof and rodentproof containers covered with close-fitting lids, except that containers kept inside the establishment need not be covered during periods of use. All food waste and rubbish shall be removed and disposed of in a sanitary manner as frequently as may be necessary to prevent the creation of a nuisance. All waste containers shall be clean and sanitary and maintained in good repair at all times.

28832. All liquid wastes disposed of through the plumbing system of a food establishment shall discharge into the public sewerage system or into an approved private sewage disposal system which disposes of such materials beneath the surface of the ground. Other types of private sewage disposal systems shall be used only with the written approval of the local health officer.

28833. All food ingredients and utensils in other than waterproof containers shall be stored at least five inches off the floor. All cartons, boxes, or other packaging materials used in the packaging of any food shall be protected at all times from dust, dirt, rodents, insects, and other forms of contamination or adulteration. Containers of raw materials or ingredients which have been opened shall be adequately protected from contamination or adulteration.

All returned or damaged food products and food products from which the label has been removed shall be separated and stored in a separate area and in such a manner as to prevent adulteration of other foods and shall not contribute to a rodent or insect problem.

No insecticide, rodenticide, or other poisonous or deleterious substance shall be stored in any food preparation area except

in a separate cabinet provided for that purpose. All poisonous substances, detergents, bleaches, cleaning compounds, or similar materials shall be specifically and plainly labeled as to contents and hazardous use. No such product shall be used or stored in a manner which would cause contamination or adulteration of food, food preparation surfaces, or food preparation utensils.

This section shall not apply to grocery products stored in other than preparation areas if they are stored in their original shipping container and such storage does not result in contamination with water, insects, rodents, poisonous substances or foreign materials.

28834. The storage rooms, shelves, and racks shall be constructed and installed so as to be easily cleaned. Utensils and equipment shall be so handled and stored as to be protected from contamination. Single-service utensils shall be obtained only in sanitary containers, shall be stored in a clean, dry place until used, handled in a sanitary manner, and used once only.

28835. Ingredients used in the preparation of food, and all foods offered for sale, sold, or served, shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure, free from adulteration and spoilage, and shall conform to the applicable provisions of Chapter 3 (commencing with Section 26450) of this division.

No food prepared or stored in a private home shall be offered for sale, sold, or given away, in an establishment operating under the provisions of this chapter, without the written approval of the local health officer.

28836. All food shall be prepared, stored, displayed, dispensed, placed, sold, and served so as to be protected from dust, insects, rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination.

28837. Displays of unpackaged processed foods shall be effectively shielded so as to intercept a direct line between the customer's mouth and the food being displayed. This section shall not apply to produce being offered for sale.

28838. No live animal, bird, or fowl shall be kept or allowed in any food establishment. This section does not apply to dogs being used by the blind.

28839. All utensils used in the preparation or serving of food shall be thoroughly cleaned after each usage or following each day's operations.

28840. All food establishments shall have at least a one-compartment sink which shall be separate from the facilities used for hand washing. Each food establishment constructed after the effective date of this chapter shall have at least a one-compartment metal sink with metal drainboards.

Where utensils are washed by hand, there shall be provided in each new food establishment constructed after the effective date of this chapter, at least a two-compartment metal sink

with metal drainboards. The sink compartments and drainboards shall be large enough to adequately clean the largest utensils used. An adequate supply of hot and cold running water under pressure shall be provided for each sink compartment. A one-compartment utensil sink which is in use on the effective date of this chapter may be continued in use until replaced.

28841. A room or a space outside of any food preparation area shall be provided for the storage of cleaning equipment and supplies, such as mops, buckets, brooms, detergent and waxes. This room or area shall be ventilated to permit the mops and other equipment to dry, and shall be kept clean at all times.

28842. All potentially hazardous foods shall be kept, displayed, or maintained at or below a temperature of 50 degrees Fahrenheit or at a temperature of 140 degrees Fahrenheit or above. This section shall not apply to foods during reasonable periods of preparation, handling or transportation. An accurate thermometer, suitable for measuring temperature of food, shall be kept readily available.

28843. If the department determines that a specific food which otherwise meets the definition of a potentially hazardous food will not support rapid or progressive growth of infectious or toxigenic micro-organisms, it shall by regulation exempt such food from the requirements of Section 28842.

28844. All packaged frozen foods shall be kept in a frozen state until sold or ready for processing or preparation.

28845. All refrigerators and thermometers shall be kept in good repair and clean. All food stored in refrigerators shall be protected from contamination. Foods that require no further preparation before service, when stored in refrigerators, shall either be covered or so placed that they are not subject to contamination from containers, unwashed fruits and vegetables, raw meats, or other contamination. An accurate thermometer shall be installed in all refrigerators so as to be readily visible either from the outside of the refrigerator or freezer or when the refrigerator or freezer is opened.

28846. The premises of all food establishments shall be kept clean and free of litter and rubbish.

28847. No sleeping accommodation shall be maintained or kept in any room where food is prepared, stored, or sold. All living and sleeping quarters shall be separated from the food establishment. No door or other opening shall be permitted in the partition which separates the food establishment from the living or sleeping quarters. Establishments containing living or sleeping quarters on the effective date of this chapter are exempted from the requirement prohibiting a door or other opening in the partition.

28848. Soiled linens, coats, and aprons shall be kept in closable or covered containers provided for this purpose which shall not be used to store clean apparel.

No cloths that have been used for any purpose since laundering shall be used for wiping utensils, counters, tables, food preparation, or dispensing equipment, or in connection therewith.

28849. Food that is transported from a food establishment to the customer shall be protected from contamination as specified in Section 28836 and subject to the temperature requirements of Sections 28842 and 28843.

Article 3. Health Requisites

28850. All employees preparing, serving, or handling unpackaged food shall wear clean washable outer garments or other clean uniforms and shall keep their hands clean at all times while engaged in handling food, beverages, or utensils. All such food handlers shall wash their hands and arms with soap or detergent and warm water before commencing work after using toilet facilities and before returning to work, and at such other times as are necessary to prevent contamination of food.

All employees while preparing or selling unpackaged processed food shall wear hairnets, caps, headbands, or other suitable coverings which confine the hair. Employees handling such food shall use tongs or other implements rather than their hands. The use of tobacco in any form by any employee while handling or selling food or utensils is prohibited. No employee or other person shall use tobacco in any form in any room or space used primarily for the preparation of food, and the employer shall post and maintain "No smoking" signs in such rooms or places.

28851. When information as to the possibility of disease transmission is presented to the local health officer, he shall investigate conditions and take appropriate action. The health officer may, after investigation and for reasonable cause, require any or all of the following measures to be taken:

(a) The immediate exclusion of such employee or owner from the affected food establishment operation by the health officer.

(b) The immediate closing of the establishment, until in the opinion of the health officer, no further danger of disease outbreak exists.

(c) Medical examination of the owner, employee, and his coemployees, with such laboratory examination as may be indicated; or should such examination or examinations be refused, then the immediate exclusion of the refusing owner, employee, or coemployee from that or any other food establishment operation, until a medical or laboratory examination shows that he is not affected with, or a carrier of, any disease in a communicable form.

Article 4. Enforcement and Inspection

28860. The director, agents, or sanitarians appointed by the director, and all local health officers, sanitarians, and duly authorized agents thereof, are charged with the enforcement of the provisions of this chapter.

28861. The director, sanitarians, and agents appointed by the director, and local health officers, sanitarians, and duly authorized agents thereof, may enter and inspect any food establishment or any operation suspected of being such, whenever it is open for business, for the purpose of carrying out the provisions of this chapter. A written report of the inspection shall be made, and a copy shall be supplied or mailed to the operator, manager, or owner of the establishment.

28862. Any person who violates any provision of this chapter or regulations adopted pursuant to this chapter is guilty of a misdemeanor. Each offense shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

The owner, manager, or operator of any food establishment is also responsible for any violation by his employees of any provision of this chapter.

28863. The provisions of this chapter shall apply to all parts of the state. The State Department of Public Health may adopt such rules and regulations as it determines are reasonably necessary to interpret and carry out the provisions of this chapter. When adopted, such rules and regulations shall apply to all parts of the state. The department shall investigate to determine satisfactory enforcement of this chapter by local authorities.

28864. Six months after the effective date of this chapter, it shall be unlawful for any person to operate any food establishment unless, in addition to any other permit, he has a valid permit issued by the local health officer.

28865. The building department having jurisdiction over the area where the proposed food establishment will be located shall notify the health department having jurisdiction when plans to build or remodel a food establishment are received. A building permit shall not be issued until the health department has approved the plans. The plans shall be approved or rejected within 10 days after receipt by the health department and the applicant shall be notified of such decision.

28866. Permits to operate shall be issued by the local health officer if the applicant complies with the provisions of this chapter and the regulations adopted thereunder. The fees for the permits may be determined by the local governing body.

28867. Permits for operation shall be posted in a conspicuous place in the establishment.

28868. Any permit issued pursuant to this chapter may be suspended or revoked for good cause by the enforcement

agency. "Good cause," for the purpose of this section, means a violation of any of the provisions of this chapter, the regulations adopted thereunder, or any condition of such permit.

The local health officer shall issue and serve upon the permittee a notice setting forth in clear and concise language the acts or omissions with which the permittee is charged and informing him of his rights to a hearing.

At any time within the 15-day period after service of such notice, the permittee may request a hearing before the local health officer to show cause why his permit should not be suspended or revoked.

A failure to request a hearing within 15 days shall be deemed a waiver of a right to such hearing. The local health officer may call a hearing for the purpose of investigating any violations of this article.

CHAPTER 650

An act to add Section 13583.5 to the Education Code, relating to disciplinary notices to classified school employees.

[Approved by Governor August 11, 1970. Filed with
Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13583.5 is added to the Education Code, to read:

13583.5. A notice of disciplinary action shall contain a statement in ordinary and concise language of the specific acts and omissions upon which the disciplinary action is based, a statement of the cause for the action taken and, if it is claimed that an employee has violated a rule or regulation of the public school employer, such rule or regulation shall be set forth in said notice.

A notice of disciplinary action stating one or more causes or grounds for disciplinary action established by any rule, regulation, or statute in the language of the rule, regulation, or statute, is insufficient for any purpose.

A proceeding may be brought by, or on behalf of, the employee to restrain any further proceedings under any notice of disciplinary action violative of this provision.

This section shall apply to proceedings conducted under the provisions of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 651

An act to amend Section 1276 of the Code of Civil Procedure, relating to change of names.

[Approved by Governor August 11, 1970. Filed with
Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1276 of the Code of Civil Procedure is amended to read:

1276. All applications for change of names must be made to the superior court of the county where the person whose name is proposed to be changed resides, by petition, signed by such person; or if such person is under 21 years of age, if a male, and under the age of 18 years of age, if a female, by one of the parents, if living, or if both be dead, then by the guardian; and if there be no guardian, then by some near relative or friend.

The petition must specify the place of birth and residence of such person, his or her present name, the name proposed, and the reason for such change of name, and must, if the father of such person be not living, name, as far as known to the petitioner, the near relatives of such person, and their place of residence.

If such person is under 21 years of age if a male, or 18 years of age if a female, and the petition is signed by only one parent, the petition must specify the address, if known, of the other parent if living.

If such person is 12 years of age or over, has been relinquished to an adoption agency by his or her parent or parents, and has not been legally adopted, the petition shall be signed by such person and the adoption agency to which such person was relinquished. The near relatives of such a relinquished person and their place of residence shall not be included in the petition unless they are known to the person whose name is proposed to be changed.

CHAPTER 652

An act to repeal Article 4 (commencing with Section 1850) of Chapter 1 of Part 7 of Division 2 of the Labor Code, relating to employment of aliens.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 1850) of Chapter 1 of Part 7 of Division 2 of the Labor Code is repealed.

CHAPTER 653

An act to repeal Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code, relating to employment of aliens.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 1940) of Chapter 2 of Part 7 of Division 2 of the Labor Code is repealed.

CHAPTER 654

An act to amend Section 1174 of the Code of Civil Procedure, relating to unlawful detainer.

[Approved by Governor August 11, 1970. Filed with
Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1174 of the Code of Civil Procedure is amended to read:

1174. If upon the trial, the verdict of the jury, or, if the case be tried without a jury, the findings of the court be in favor of the plaintiff and against the defendant, judgment shall be entered for the restitution of the premises; and if the proceedings be for an unlawful detainer after neglect, or failure to perform the conditions or covenants of the lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of such lease or agreement if the notice required by Section 1161 of the code states the election of the landlord to declare the forfeiture thereof, but if such notice does not so state such election, the lease or agreement shall not be forfeited.

The jury or the court, if the proceedings be tried without a jury, shall also assess the damages occasioned to the plaintiff by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and find the amount of any rent due, if the alleged unlawful detainer be after default in the payment of rent. Judgment against the defendant guilty of the forcible entry, or the forcible or unlawful detainer may be entered in the discretion of the court either for the amount of the damages and the rent found due, or for three times the amount so found.

When the proceeding is for an unlawful detainer after default in the payment of rent, and the lease or agreement under which the rent is payable has not by its terms expired, and the notice required by Section 1161 has not stated the election of the landlord to declare the forfeiture thereof, the court may, and, if the lease or agreement is in writing, is for a term of more than one year, and does not contain a forfeiture clause, shall order that execution upon the judgment shall not be issued until the expiration of five days after the entry of the judgment, within which time the tenant, or any subtenant, or any mortgagee of the term, or any other party interested in its continuance, may pay into the court, for the landlord, the amount found due as rent, with interest thereon, and the

amount of the damages found by the jury or the court for the unlawful detainer, and the costs of the proceedings, and thereupon the judgment shall be satisfied and the tenant be restored to his estate.

But if payment as here provided be not made within five days, the judgment may be enforced for its full amount, and for the possession of the premises. In all other cases the judgment may be enforced immediately.

A plaintiff, having obtained a writ of restitution of the premises pursuant to an action for unlawful detainer, shall be entitled to have the premises restored to him by officers charged with the enforcement of such writs. Promptly upon payment of reasonable costs of service, the enforcing officer shall serve or post a copy of the writ in the same manner as upon levy of writ of attachment pursuant to subdivision 1 of Section 542 of this code. In addition, where the copy is posted on the property, another copy of the writ shall thereafter be mailed to the defendant at his business or residence address last known to the plaintiff or his attorney or, if no such address is known, at the premises. If the tenant does not vacate the premises within five days from the date of service, or, if the copy of the writ is posted, within five days from the date of mailing of the additional notice, the enforcing officer shall remove the tenant from the premises and place the plaintiff in possession thereof. It shall be the duty of the party delivering the writ to the officer for execution to furnish the information required by the officer to comply with this section.

All goods, chattels or personal property of the tenant remaining on the premises at the time of its restitution to the plaintiff shall be stored by the plaintiff in a place of safekeeping for a period of 30 days and may be redeemed by the tenant upon payment of reasonable costs incurred by the plaintiff in providing such storage and the judgment rendered in favor of plaintiff, including costs. Plaintiff may, if he so elects, store such goods, chattels or personal property of the tenant on the premises, and the costs of storage in such case shall be the fair rental value of the premises for the term of storage. An inventory shall be made of all goods, chattels or personal property left on the premises prior to its removal and storage or storage on the premises. Such inventory shall either be made by the enforcing officer or shall be verified in writing by him. The enforcing officer shall be entitled to his costs in preparing or verifying such inventory.

In the event the property so held is not removed within 30 days, such property shall be deemed abandoned and may be sold at a public sale by competitive bidding, to be held at the place where the property is stored, after notice of the time and place of such sale has been given at least five days before the date of such sale by publication once in a newspaper of general circulation published in the county in which the sale is to be held. Notice of the public sale may not be given more than five days prior to the expiration of the 30 days during which

the property is to be held in storage. All money realized from the sale of such personal property shall be used to pay the costs of the plaintiff in storing and selling such property, and any balance thereof shall be applied in payment of plaintiff's judgment, including costs. Any remaining balance shall be returned to the defendant.

CHAPTER 655

An act to amend Section 227 of the Civil Code, relating to adoptions.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 227 of the Civil Code is amended to read:

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. The party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties. If satisfied that the interest of the child will be promoted by the adoption, the court may thereupon make and enter a decree of adoption of the child by the adopting parent or parents, and the child and the adopting parents shall thereupon and thereafter sustain toward each other the legal relationship of parent and child and have all the rights and be subject to all the duties of that relation. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent

is permitted to appear by counsel hereunder, or otherwise, the court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, report to the court from any investigating agency, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Welfare except upon the written authority of the judge of the superior court. A judge of the superior court shall not authorize anyone to inspect the petition, relinquishment, agreement, order, report to the court from any investigating agency, or power of attorney or deposition or any portion of any such documents except in exceptional circumstances and for good cause approaching the necessities. The petitioner may be required to pay the expenses for preparing the copies of the documents to be inspected.

Upon written request of any party to the action and upon the order of any judge of the superior court, the county clerk shall not provide any documents referred to in this section for inspection or copying to any other person, unless the name of the natural parents of the child or any information tending to identify the natural parents of the child is deleted from the documents or copies thereof.

Upon the request of the adoptive parents or the child, a county clerk may issue a certificate of adoption which states the date and place of adoption, the birthday of the child, the name of the adoptive parents, and the name which the child has taken. Unless the child has been adopted by a stepparent, the certificate shall not state the name of the natural parents of the child.

The provisions of this section permitting an adoptive parent, who is commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, to make an appearance through his or her counsel, commissioned and empowered in writing to do so, are equally applicable to the spouse of such adoptive parent who resides with such adoptive parent outside of this state.

Where, pursuant to this section, neither adoptive parent need appear before the court, the child proposed to be adopted need not appear. If the law otherwise requires that the child execute any document during the course of the hearing, the child may do so by and through counsel. Where none of the parties appear, no order of adoption shall be made by the court until after a report has been filed with the court pursuant to Section 226.6.

CHAPTER 656

An act to amend Section 19532 of the Revenue and Taxation Code, relating to tax relief.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19532 of the Revenue and Taxation Code is amended to read:

19532. The claim on which the assistance is based shall be filed after May 15 of the fiscal year for which assistance is claimed but on or before October 15 succeeding the fiscal year for which assistance is claimed for property taxes paid.

The state shall assist the claimant after June 30 and before November 30 of the calendar year in which the claim is filed, except that if the claim is defective, assistance shall be made as promptly as is practicable after the claim has been perfected. The Franchise Tax Board, whenever in its judgment good cause exists, may grant a reasonable extension of time for filing a claim. No extension or extensions shall aggregate more than six months from the due date provided for filing the claim. The first claim filed shall include proof of the claimant's age, acceptable to the Franchise Tax Board.

A claimant who, because of a medically certified incapacity, is prevented from filing a timely claim, shall be permitted to file a claim within six months after the end of his medical incapacity or three (3) years succeeding the end of fiscal year for which assistance is claimed, whichever date is earlier.

CHAPTER 657*An act to add Sections 2194.5 and 2327.5 to the Business and Professions Code, relating to the practice of medicine.*

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2194.5 is added to the Business and Professions Code, to read:

2194.5. Notwithstanding any other provision of this chapter, the board may delegate to any member of the board its authority to approve applicants for admission to the examination provided for by Section 2194, to approve the issuance of certificates under that section, and to issue certificates under that section to persons who have qualified for such certificates either with or without an examination.

SEC. 2. Section 2327.5 is added to the Business and Professions Code, to read:

2327.5. Notwithstanding any other provision of this chapter, the board may delegate to any member of the board its authority to approve applicants for admission to the examination required by this article, to approve the issuance of certificates under this article, and to issue certificates under this article to persons who have qualified for such certificates either with or without examination.

CHAPTER 658

An act to add Section 655.5 to the Business and Professions Code, relating to healing arts.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 655.5 is added to the Business and Professions Code, to read:

655.5. It is unlawful for any person licensed under this division or under any initiative act referred to in this division or for any clinical laboratory to charge, bill, or otherwise solicit payment from any patient, client or customer for any clinical laboratory service not actually rendered by such person or clinical laboratory or under his or its direct supervision unless the patient, client or customer is apprised at the first time of such charge, billing or solicitation of the name, address and charges of the clinical laboratory performing the service. The first such written charge, bill, or other solicitation of payment shall separately set forth the name, address, and charges of the clinical laboratory concerned and shall clearly show whether or not such charge is included in the total of the account, bill or charge.

This section shall not apply to any person or clinical laboratory who or which contracts directly with a health care service plan registered pursuant to Section 12538 of the Government Code, if such services are to be provided to members of the plan on a prepaid basis and without additional charge or liability on account thereof.

CHAPTER 659

An act to amend Sections 22451 and 22473 of the Financial Code, relating to personal property brokers.

[Approved by Governor August 11, 1970. Filed with Secretary of State August 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22451 of the Financial Code is amended to read:

22451. Every licensee who lends any sum of money may contract for and receive charges at a rate not exceeding the sum of the following:

(a) Two and one-half percent ($2\frac{1}{2}\%$) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of two hundred dollars (\$200).

(b) Two percent (2%) per month on that portion of the unpaid principal balance in excess of two hundred dollars (\$200) up to, including, but not in excess of five hundred dollars (\$500).

(c) One and one-half percent ($1\frac{1}{2}\%$) per month on that part of the unpaid principal balance in excess of five hundred dollars (\$500) up to and including, but not in excess of, one thousand five hundred dollars (\$1,500).

(d) One percent (1%) per month on any remainder of such unpaid balance in excess of one thousand five hundred dollars (\$1,500).

SEC. 2. Section 22473 of the Financial Code is amended to read:

22473. Each licensed personal property broker shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the personal property broker and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, and the agreed rate of charge.

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If such statement discloses that a broker or other person has participated, then the personal property broker shall obtain a full statement of all sums paid or payable to the broker or other person. The personal property broker shall keep such statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply such payment first to all charges due at the agreed rate up to the date of payment, not to exceed the maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any cash payment, or to the person who requests a receipt at the time of making any payment, at the time payment is made on account of any loan, a plain and complete receipt showing the total amount received, identifying the loan con-

tract upon which the payment is applied, and stating the unpaid principal balance of the loan.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, chattel mortgage, assignment, or order signed by the borrower, except such as are a part of the court record in any action, or such as have been delivered to a third person for the purpose of carrying out their terms.

CHAPTER 660

An act to amend Section 65906 of the Government Code, relating to zoning.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 65906 of the Government Code is amended to read:

65906. Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

CHAPTER 661

An act to amend Section 291 of the Health and Safety Code, relating to blood tests.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 291 of the Health and Safety Code is amended to read:

291. (a) The blood specimen obtained shall be submitted to a licensed clinical laboratory or approved public health laboratory for a determination of rhesus (Rh) blood type and the results reported (1) to the physician and surgeon or other person engaged in the prenatal care of the woman or attending such woman at the time of delivery, and (2) to the woman tested.

(b) The State Board of Public Health shall adopt such rules and regulations as it determines are reasonably necessary for the implementation of the provisions of subdivision (a) of this section.

CHAPTER 662

An act to amend Sections 1238, 1242 and 1242.5 of the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1238 of the Code of Civil Procedure is amended to read:

1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses:

1. Fortifications, magazines, arsenals, Navy yards, Navy and Army stations, lighthouses, range and beacon lights, coast surveys, and all other public uses authorized by the government of the United States.

2. Public buildings and grounds for use of a state, or any state institution, or any institution within the State of California which is exempt from taxation under the provisions of Section 1a, of Article XIII of the Constitution of the State of California, and all other public uses authorized by the Legislature of the State of California.

3. Any public utility, and public buildings and grounds, for the use of any county, incorporated city, or city and county, village, town, school district, or irrigation district, ponds, lakes, canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes, lands, water system plants, buildings, rights of any nature in water, and any other character of property necessary for conducting or storing or distributing water for the use of any county, incorporated city, or city and county, village or town or municipal water district, or the inhabitants thereof, or any state institution, or necessary for the proper development and control of such use of said water, either at the time of the taking of said property, or for the future proper development and control thereof, or for draining any county, incorporated city, or city and county, village or town; raising the banks of streams, removing obstructions therefrom, and widening and deepening or straightening their channels;

roads, highways, boulevards, streets and alleys; public mooring places for watercraft; public parks, including parks and other places covered by water, and all other public uses for the benefit of any county, incorporated city, or city and county, village or town, or the inhabitants thereof, which may be authorized by the Legislature; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, warehouses, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads; paths and roads either on the surface, elevated, or depressed, for the use of bicycles, tricycles, motorcycles and other horseless vehicles, steam, electric, and horse railroads, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation, public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and water, water rights, canals, ditches, dams, poundings, flumes, aqueducts and pipes for irrigation of lands furnished with water by corporations supplying water to the lands of the stockholders thereof only, and lands with all wells and water therein adjacent to the lands of any municipality or of any corporation, or person supplying water to the public or to any neighborhood or community for domestic use or irrigation.

5. Roads, tunnels, ditches, flumes, pipes, aerial and surface tramways and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines.

6. Byroads leading from highways to residences, farms, mines, mills, factories and buildings for operating machinery, or necessary to reach any property used for public purposes.

7. Telegraph, telephone, radio and wireless lines, systems and plants.

8. Sewerage of any incorporated city, city and county, or of any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than 10 families, or of any buildings belonging to the state, or to any college or university, also the connection of private residences and other buildings, through other property, with the mains of an established sewer system in any such city, city and county, town or village.

9. Roads for transportation by traction engines or road locomotives.

10. Oil pipelines.

11. Railroads, roads and flumes for quarrying, logging or lumbering purposes.

12. Canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes and outlets natural or otherwise for supplying, storing,

and discharging water for the operation of machinery for the purpose of generating and transmitting electricity for the supply of mines, quarries, railroads, tramways, mills, and factories with electric power; and also for the applying of electricity to light or heat mines, quarries, mills, factories, incorporated cities and counties, villages, towns, or irrigation districts; and also for furnishing electricity for lighting, heating or power purposes to individuals or corporations; together with lands, buildings and all other improvements in or upon which to erect, install, place, use or operate machinery for the purpose of generating and transmitting electricity for any of the purposes or uses above set forth.

13. Electric power lines, electric heat lines, electric light lines, electric light, heat and power lines, and works or plants, lands, buildings or rights of any character in water, or any other character of property necessary for generation, transmission or distribution of electricity for the purpose of furnishing or supplying electric light, heat or power to any county, city and county or incorporated city or town, or irrigation district, or the inhabitants thereof, or necessary for the proper development and control of such use of such electricity, either at the time of the taking of said property, or for the future proper development and control thereof.

14. Cemeteries for the burial of the dead, and enlarging and adding to the same and the grounds thereof.

15. The plants, or any part thereof, or any record therein of all persons, firms or corporations heretofore, now or hereafter engaged in the business of searching public records, or publishing public records or insuring or guaranteeing titles to real property, including all copies of, and all abstracts or memoranda taken from, public records, which are owned by, or in the possession of, such persons, firms or corporations or which are used by them in their respective businesses; provided, however, that the right of eminent domain in behalf of the public uses mentioned in this subdivision may be exercised only for the purposes of restoring or replacing, in whole or in part, public records, or the substance of public records, of any city, city and county, county or other municipality, which records have been, or may hereafter be, lost or destroyed by conflagration or other public calamity; and provided further, that such right shall be exercised only by the city, city and county, county or municipality whose records, or part of whose records, have been, or may be, so lost or destroyed.

16. Expositions or fairs in aid of which the granting of public moneys or other things of value has been authorized by the Constitution.

17. Works or plants for supplying gas, heat, refrigeration or power to any county, city and county, or incorporated city or town, or irrigation district, or the inhabitants thereof, together with lands, buildings, and all other improvements in or upon which to erect, install, place, maintain, use or operate machinery, appliances, works and plants for the purpose of

generating, transmitting and distributing the same and rights of any nature in water, or property of any character necessary for the purpose of generating, transmitting and distributing the same, or necessary for the proper development and control of such use of such gas, heat, refrigeration, or power, either at the time of the taking of said property, or for the future proper development and control thereof.

18. Standing trees and ground necessary for the support and maintenance thereof, along the course of any highway, within a maximum distance of 300 feet on each side of the center thereof; and ground for the culture and growth of trees along the course of any highway, within the maximum distance of 300 feet on each side of the center thereof.

19. Propagation, rearing, planting, distribution, protection or conservation of fish.

20. Airports for the landing and taking off of aircraft, and for the construction and maintenance of hangars, mooring masts, flying fields, signal lights and radio equipment.

21. Any work or undertaking of a city, county, or city and county, housing authority or commission, or other political subdivision or public body of the state: (a) to demolish, clear or remove buildings from any area which is detrimental to the safety, health and morals of the people by reason of the dilapidation, overcrowding, faulty arrangement or design, lack of ventilation or sanitary facilities of the dwellings predominating in such areas; or (b) to provide dwellings, apartments or other living accommodations for persons or families who lack the amount of income which is necessary (as determined by the body engaging in said work or undertaking) to enable them to live in decent, safe and sanitary dwellings without overcrowding.

22. Terminal facilities, lands, or structures for the receipt, transfer or delivery of passengers or property by any common carrier operating upon any public highway or waterway in this state between fixed termini or over a regular route, or for other terminal facilities of any such carrier.

SEC. 2. Section 1242 of the Code of Civil Procedure is amended to read:

1242. (a) In all cases where land is required for public use, such use must be located in the manner which will be most compatible with the greatest public good and the least private injury.

(b) Subject to Section 1242.5, a person having the power of eminent domain may enter upon property to make studies, surveys, examinations, tests, soundings, or appraisals or to engage in similar activities reasonably related to the purpose for which the power may be exercised.

(c) The liability, if any, of a public entity for damages to property that arise from the entry and activities mentioned in subdivision (b) is determined by Section 816 of the Government Code.

(d) Any person that has the power of eminent domain, other than a public entity, is liable for damages to property that arise from the entry and activities mentioned in subdivision (b) to the same extent that a public entity is liable for such damages under Section 816 of the Government Code.

(e) As used in this section, "public entity" means a public entity as defined in Section 811.2 of the Government Code.

SEC. 3. Section 1242.5 of the Code of Civil Procedure is amended to read:

1242.5. (a) In any case in which the entry and activities mentioned in subdivision (b) of Section 1242 will subject the person having the power of eminent domain to liability under Section 816 of the Government Code, before making such entry and undertaking such activities, the person shall secure:

(1) The written consent of the owner to enter upon his property and to undertake such activities; or

(2) An order for entry from the superior court in accordance with subdivision (b).

(b) The person seeking to enter upon the property shall petition the court for an order permitting the entry and shall give such prior notice to the owner of the property as the court determines is appropriate under the circumstances of the particular case. Upon such petition and after such notice has been given, the court shall determine the purpose for the entry, the nature and scope of the activities reasonably necessary to accomplish such purpose, and the probable amount of compensation to be paid to the owner of the property for the actual damage to the property and interference with its possession and use. After such determination, the court may issue its order permitting the entry. The order shall prescribe the purpose for the entry and the nature and scope of the activities to be undertaken and shall require the person seeking to enter to deposit the probable amount of compensation in the manner provided in Section 1243.6.

(c) At any time after an order has been made pursuant to subdivision (b), either party may, upon noticed motion, request the court to determine whether the nature and scope of the activities reasonably necessary to accomplish the purpose of the entry should be modified or whether the amount deposited is the probable amount of compensation that will be awarded. If the court determines that the nature and scope of the activities to be undertaken or the amount of the deposit should be modified, the court shall make its order prescribing the necessary changes.

(d) The court shall retain the amount deposited under this section for a period of six months following the termination of the entry. Such amount shall be held, invested, deposited, and disbursed in accordance with Section 1254.

(e) The owner is entitled to recover from the person who entered his property the amount necessary to compensate the owner for any damage which arises out of the entry and for his court costs, and reasonable attorney fees to be fixed by

the court, in the proceeding under this section. Where a deposit has been made pursuant to this section, the owner may, upon noticed motion made within six months following the termination of the entry, request the court to determine the amount he is entitled to recover under this subdivision. Thereupon, the court shall determine such amount and award it to the owner and the money on deposit shall be available for the payment of such amount. Nothing in this subdivision affects the availability of any other remedy the owner may have for the damaging of his property.

SEC. 4. This act shall become effective only if Senate Bill No. 94 is enacted by the Legislature at its 1970 Regular Session and in such case this act shall take effect at the same time that Senate Bill No. 94 takes effect.

CHAPTER 663

An act to add Sections 11547, 11548, and 11549 to the Business and Professions Code, relating to bridges.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11547 is added to the Business and Professions Code, to read:

11547. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map or as a condition of issuing a building permit for purposes of defraying the actual or estimated cost of constructing bridges.

Such local ordinance may require payment of fees pursuant to this section if:

(1) The ordinance refers to the circulation element of the General Plan and to flood control provisions thereof which identify streams for which bridge crossings are required on General Plan or local roads; provided, such flood control provisions have been adopted by the local agency 30 days prior to the filing of a subdivision map or application for a building permit.

(2) The ordinance provides that there will be a public hearing held by the governing body for each area benefited. Notice shall be given pursuant to Section 65905 of the Government Code. In addition to the requirements of Section 65905 of the Government Code, such notice shall contain preliminary information related to the boundaries of the area of benefit, estimated cost and the method of fee apportionment. The area of benefit may include land or improvements in addition to the land or improvements which are the subject of the subdivision map or building permit application considered at such proceedings.

(3) The ordinance provides that at such public hearing, the boundaries of the area of benefit, the costs, whether actual or estimated, and a fair method of fee apportionment are established. A description of the boundaries of the area of benefit, the costs, whether actual or estimated, and the method of fee apportionment established at the hearing shall be filed by the governing body conducting the hearing with the recorder of the county in which the area of benefit is located. Such apportioned fees shall be applicable to all property within the area of benefit and shall be payable as a condition of approval of a final subdivision map or as a condition of issuing a building permit for such property or portions thereof.

(4) The ordinance provides that payment of fees shall not be required unless the planned bridge facility is in addition to any existing bridge facilities serving the area at the time of the adoption of the boundaries of the area of benefit.

(5) The ordinance provides that if, within the time when protests may be filed under the provisions of such ordinance, there is a written protest, filed with the clerk of the legislative body, by the owners of more than one-half of the area of the property to be benefited by the improvement, and sufficient protests are not withdrawn so as to reduce the area represented to less than one-half of that to be benefited, then the proposed proceedings shall be abandoned, and the legislative body shall not, for one year from the filing of that written protest, commence or carry on any proceedings for the same improvement or acquisition under the provisions of this section.

Any protests may be withdrawn by the owner making the same, in writing, at any time prior to the conclusion of a public hearing held pursuant to the ordinance.

If any majority protest is directed against only a portion of the improvement then all further proceedings under the provisions of this section to construct that portion of the improvement so protested against shall be barred for a period of one year, but the legislative body shall not be barred from commencing new proceedings not including any part of the improvement or acquisition so protested against. Nothing in this section shall prohibit the legislative body, within such one-year period, from commencing and carrying on new proceedings for the construction of a portion of the improvement so protested against if it finds, by the affirmative vote of four-fifths of its members, that the owners of a majority of the property within the area of benefit are in favor of going forward with such portion of the improvement or acquisition.

Fees paid pursuant to an ordinance adopted pursuant to this section shall be deposited in a planned bridge facility fund. A separate fund shall be established for each planned bridge facility project. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of the bridge facility serving the area to be benefited and from

which the fees comprising the fund were collected, or to reimburse the county or city for the cost of constructing the bridge facility.

An ordinance adopted pursuant to this section may provide for the acceptance of considerations in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund or road fund to pay the cost of constructing the bridge facilities and may reimburse the general fund or road fund for such advances from planned bridge facility funds established to finance the construction of such bridge facilities.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of bridge facilities; provided that the sole security for repayment of such indebtedness shall be moneys in planned bridge facility funds.

The term "construction" as used in this section includes design, acquisition of right-of-way, administration of construction contracts and actual construction.

SEC. 2. Section 11548 is added to the Business and Professions Code, to read:

11548. Whenever, pursuant to a local ordinance a subdivider or land developer is required to pay a fee for the construction of a bridge as a condition precedent to the acceptance of a final map or as a condition of issuing a building permit and the facility is dedicated to the public, the governing body may contract with the subdivider or land developer for the construction of the bridge, and reimburse the subdivider or land developer for the cost of constructing the facility.

SEC. 3. Section 11549 is added to the Business and Professions Code, to read:

11549. Any city or county may establish an area of benefit pursuant to Section 11547 and may impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the construction of the bridge. The charge collected shall be paid to the county, city or subdivider constructing the bridge pursuant to Sections 11547 and 11548, and any city or county having jurisdiction over any property which, in the opinion of the legislative body, is benefited by the construction of the bridge may enter into a reimbursement agreement with the subdivider.

CHAPTER 664

An act to add Section 17506 to the Business and Professions Code, relating to advertising.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17506 is added to the Business and Professions Code, to read:

17506. As used in this chapter, "person" includes any individual, partnership, firm, association, or corporation.

CHAPTER 665

An act to amend Section 5652 of the Fish and Game Code, relating to litter.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5652 of the Fish and Game Code is amended to read:

5652. It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

This section does not apply to a refuse disposal site which is authorized by the appropriate local agency having jurisdiction or to the depositing of such materials in a container from which the materials are routinely removed to a legal point of disposal.

The provisions of this section shall be enforced by all law enforcement officers of this state.

CHAPTER 666

An act to amend Sections 969 and 25422 of the Education Code, relating to community college board meetings.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 969 of the Education Code is amended to read:

969. Meetings of the governing board of a high school district shall be held in the high school building. If there is no high school building in the high school district, or if in the judgment of the board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the high school district as it may by resolution determine.

The community college board shall meet in a public building which is owned or leased by the community college district, or if in the judgment of the governing board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the community college district, high school district, unified districts, or combination thereof served by such community college district as it may by resolution determine. A notice identifying the location, date, and time of the meeting shall be posted in each community college maintained by the district at least 10 days prior to the meeting and shall remain so posted to and including the time of the meeting.

SEC. 2. Section 25422 of the Education Code is amended to read:

25422. The community college board shall meet in a public building which is owned or leased by the community college district, or if in the judgment of the governing board, the interests of the district may be better served by holding its meetings elsewhere, it may meet at such other place in the community college district, high school districts, unified districts, or any combination thereof served by such community college district as it may by resolution determine.

A notice identifying the location, date, and time of the meeting shall be posted in each community college maintained by the district at least 10 days prior to the meeting and shall remain so posted to and including the time of the meeting.

CHAPTER 667

An act to amend Sections 100180 and 100182 of, to amend the heading of Article 7 (commencing with Section 100180) of Chapter 5 of Division 10 of, and to repeal Section 100181 of, the Public Utilities Code, relating to transit districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 7 (commencing with Section 100180) of Chapter 5 of Division 10 of the Public Utilities Code is amended to read:

Article 7. Taxation for Bond Redemption Purposes

SEC. 2. Section 100180 of the Public Utilities Code is amended to read:

100180. The district may not levy and collect, or cause to be collected, property taxes, except for bond redemption purpose.

SEC. 3. Section 100181 of the Public Utilities Code is repealed.

SEC. 4. Section 100182 of the Public Utilities Code is amended to read:

100182. (a) Except as otherwise provided in subdivision (b) of this section, if from any cause the revenues of the district are, or are expected to be, inadequate in any year to pay the principal of, interest on, or sinking fund payments for bonds of the district as the same become due, or to establish or maintain any reserve fund therefor, the board shall levy for district purposes and collect upon all property in the district taxable for county purposes a tax sufficient, together with revenues already collected and available therefor, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, as will come due before the proceeds of a tax levied at the next general tax levy will be available for such purpose, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

(b) In the event that the ordinance calling the election on the issuance of bonds provided for all or any portion of the special taxes mentioned in Article 8 (commencing with Section 100200) of Chapter 5 of this part to be levied and used to the extent required to pay principal of and interest on the bonds, to provide for any sinking fund payments required therefor and to create or maintain any reserve fund required therefor, the board shall estimate the revenues of the district which are expected to be available for said purposes and the amounts to be raised by such special taxes as are required to be levied and used for said purposes in order to provide for the payment of all such obligations when due. The board may in its regular annual budget, or in a special budget which may be prepared at any time, show the amounts needed for the aforesaid purposes, estimate the revenue available therefor, and thereafter fix the rates of and levy and collect or provide for the collection of such special taxes as will provide, together with other revenues available therefor, at least all sums necessary for such purposes insofar as such levies do not exceed the maximum rates of such special taxes stated in the ordinance calling the bond election.

If from any cause the revenues of the district are, or are expected, to be inadequate to pay the principal of and interest on the bonds and sinking fund payments, as the same become due, and establish or maintain any reserve fund required therefor, and if the proceeds of the special taxes, levied at the maximum rates authorized, together with such revenues, are still estimated to be insufficient for said purposes, the board shall levy and collect upon all property in the district taxable for county purposes a tax at least sufficient, with the revenues already collected and available therefor, together

with the anticipated proceeds of the special taxes, to pay the interest on the bonds as the same will become due and such part of the principal thereof, including any sinking fund payments, as will become due before the proceeds of a tax levied at the time of the next general tax levy will be available for such purposes, and sufficient to provide or to restore such reserve fund to the amount required by any of the district's agreements with its bondholders.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the provisions of this act, limiting the property taxation power of the Santa Clara County Transit District solely for bond redemption purposes, shall be in effect before the 1970 general election, at which time a proposition on the formation of the district will be submitted to the voters of Santa Clara County, it is necessary that this act take effect immediately.

CHAPTER 668

An act to repeal Section 10816 of the Education Code, relating to interdistrict attendance of elementary school pupils.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10816 of the Education Code is repealed.

CHAPTER 669

An act to amend Section 78 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session), relating to municipal improvement districts.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 78 of the Estero Municipal Improvement District Act (Chapter 82 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 78. The district may acquire or construct the reclamation of land for small craft harbor purposes, by grading, excavation and fill, and acquire or construct therein or in connection therewith breakwaters, levees, jetties, bulkheads,

walls of rock or other materials, wharves, piers, docks, slips, quays, moles, launching facilities, and roadways, walkways, parking places, drainage facilities, sewer, water, lighting, garbage and refuse disposal, and all works or utilities incidental to or necessary or useful in the operation of such harbor; and finance the costs thereof through an improvement district of the area of said facilities.

CHAPTER 670

An act to amend Section 2 of Chapter 1333 of the Statutes of 1968, and to amend Section 1 of Chapter 437 of the Statutes of 1935, relating to San Francisco lands.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1333 of the Statutes of 1968 is amended to read:

Sec. 2. The Director of Finance is hereby authorized to negotiate with the City and County of San Francisco for the transfer, in conformity with the provisions of this act, to the City and County of San Francisco, a municipal corporation of the State of California, or to its successor, in trust for purposes of commerce, navigation, and fisheries and subject to the terms and conditions specified in this act, all of the right, title and interest held by the State of California and acquired by virtue of its sovereignty or otherwise, in and to the real property located in the City and County of San Francisco and presently under the jurisdiction and control of the San Francisco Port Authority, together with all improvements, rights, privileges, easements and appurtenances connected therewith or in anywise appertaining thereto, and any and all personal property of every kind and description owned or controlled by the State of California and used in connection with the operation and maintenance of San Francisco Harbor and including any deposits of funds held by or for the San Francisco Port Authority; excepting and reserving unto the State of California all subsurface mineral deposits, including oil and gas deposits, together with the right of ingress and egress on the properties conveyed to the City and County of San Francisco for exploration, drilling and extraction of such mineral, oil and gas deposits, subject, however, to the provision that during the term of any lease, franchise, permit or license of such property pursuant to Section 3 of this act, such mineral rights herein reserved to the State of California, including the right of ingress and egress, shall not be exercised so as to disturb or otherwise interfere with the leasehold estate or the rights or encumbrances to which any such lease, franchise, permit or license may be subject; provided, however, that any lease, franchise, permit or license of

such property pursuant to Section 3 of this act must contain a provision specifying at least one point from which and the manner in which the right of ingress or egress to said subsurface deposits may be exercised, which said point or points may be outside the area of the leasehold, franchise, permit or license, providing the point or points are adequate to permit the rights reserved to the state to be exercised; and also reserving to the people of the State of California the right to hunt and fish in and over the waters of San Francisco Harbor. The negotiations shall be concluded by October 21, 1968, unless such time is extended by mutual agreement. In lieu of any survey which might otherwise be required by law, within three years after the effective date of this act, the State Lands Commission shall, at the cost of the Port Commission of the City and County of San Francisco, provide a description of the transferred lands, using such references and designations as are commonly known place names and geographical and political boundaries, and surveying and monumenting only when known designations or points of reference are not available. The description so prepared and a plat thereof shall thereafter be recorded by the State Lands Commission in the office of the Recorder of the City and County of San Francisco. This act shall not apply to any property or interest in property, whether real or personal, owned by or under the jurisdiction or control of the Department of Public Works, Division of Highways, Division of Bay Toll Crossings, or the California Toll Bridge Authority. All that property described in Section 1770 of the Harbors and Navigation Code and transferred to the City and County of San Francisco by this act shall remain subject to any requirements of the Department of Public Works, Division of Bay Toll Crossings, Division of Highways, or the California Toll Bridge Authority for future right-of-way, or easement, or material for the construction, location, realignment, expansion and maintenance of bridges, highways or other transportation facilities without compensation to the City and County of San Francisco, except that in the event improvements, betterments or structures have been placed upon the property transferred, compensation shall be made to the City and County of San Francisco, and to any third party entitled thereto, for the value of the improvements, betterments, or structures taken, and except property that was originally acquired for valuable consideration, in which case compensation shall be made to the City and County of San Francisco. The Director of Finance shall be assisted in such negotiations by the Secretary for Agriculture and Services and the San Francisco Port Authority.

SEC. 2. Section 1 of Chapter 437 of the Statutes of 1935 is amended to read:

Section 1. There is hereby granted to the City and County of San Francisco, a municipal corporation of the State of California, all the right, title and interest of the State of California held by said state by reason of its sovereign power,

in and to the following described parcel of land situate in the City and County of San Francisco, State of California, and described as follows, to wit:

Beginning at a point on the westerly line of Lyon Street, if produced in a northerly direction, said line being the easterly boundary of the Presidio U. S. Military Reservation, distant thereon 609.62 feet northerly from the northerly line of Marina Boulevard and running thence easterly in a straight line, and parallel with the northerly line of Marina Boulevard, 3648 feet 9 inches, more or less, to the westerly line of Webster Street if produced northerly; thence northerly along said line of Webster Street produced 1000 feet; thence at a right angle westerly 3648 feet 9 inches, more or less, to the westerly line of Lyon Street produced, and thence southerly along said line of Lyon Street produced 1000 feet, more or less, to the point of beginning.

Reserving, however, unto the State of California all rents due or to become due under the terms and conditions of any existing lease or leases of all, or any part of the hereinabove described real property heretofore entered into by the State of California, or by any board or commission of the State of California, and which said rent is payable to the State of California or to any board or commission of the State of California.

All of the above described real property hereby granted shall be forever held by said City and County of San Francisco and by its successors in trust for the uses and purposes and upon the express conditions following, to wit: said real property shall be used solely for aquatic, recreational, boulevard, park and playground purposes.

Provided, however, that said City and County of San Francisco shall have power to set apart and assign, or lease, any of said property hereinbefore described for a period not to exceed 40 years, to any corporation, club or association organized for the purpose of developing and promoting aquatic sport; provided, that no part of said property shall be set apart and assigned, or leased to any corporation, club or association the object of which is pecuniary profit.

CHAPTER 671

An act to amend Sections 3301 and 3301.1 of the Corporations Code, as enacted by Chapter 1159, Statutes of 1969, and to amend Sections 4102 and 4103 of the Corporations Code, relating to corporations.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3301 of the Corporations Code, as enacted by Section 1 of Chapter 1159, Statutes of 1969, is amended to read:

3301. Every domestic corporation organized on or after January 1, 1971 shall within 90 days after the filing of its articles of incorporation with the Secretary of State, and every domestic corporation heretofore or hereafter organized (other than a corporation which has already filed such a statement during the preceding three calendar months and there is no change in the information therein) shall during the period commencing on April 1st and ending on June 30th in each year, file with the Secretary of State, on a form prescribed by him, a statement of the names and complete business or residence addresses of its president, vice president, secretary, and treasurer, together with a statement of the location and address of its principal office. If desired, the statement may designate, as the agent of such corporation for the purpose of service of process, any natural person residing in this state or any corporation which has complied with Section 3301.5 or Section 6403.5 and whose capacity to act as such agent has not terminated. If a natural person be designated, the statement shall set forth his complete business or residence address. If a corporate agent be designated, the statement shall set forth the state or place under the laws of which such agent was incorporated and the name of the city, town or village wherein it has the office at which the corporation designating it as such agent may be served, as set forth in the certificate filed by such corporate agent pursuant to Sections 3301.5, 3301.6, 6403.5 or 6403.6.

In the event of any change in the location or address of its principal office or the stated address of a natural person whom it has designated as such agent or the city, town or village wherein it may be served by delivery of a copy of any process to a corporate agent, a domestic corporation shall forthwith file with the Secretary of State a statement of such new location or address or such new city, town or village, which statement shall also include the names and addresses of the then officers, the names and addresses of whom are required above to be stated.

A corporation may at any time file a new statement wherein a new agent for service of process is designated or a prior designation of agent is expressly revoked without designating a new agent, and such filing shall be deemed to revoke any prior designation of agent.

Delivery by hand of a copy of any process against the corporation (a) to any natural person designated by it as agent, or (b), if the corporation has designated a corporate agent, at the office of such corporate agent in the city, town or village named in the statement filed by the corporation pursuant to this section to any person at such office named in the certificate of such corporate agent filed pursuant to Section 3301.5

or 6403.5, if such certificate has not been superseded, or otherwise to any person at such office named in the last certificate filed pursuant to Section 3301.6 or 6403.6, shall constitute valid service on the corporation.

The Secretary of State shall establish by regulation a fee to be charged and collected for filing a statement of the names and addresses of officers and the location and address of the principal office of the corporation as provided in this section. The filing fee shall approximate the estimated cost of such filing, and in any event shall not exceed three dollars (\$3) for each filing. For filing a combined statement of the names and addresses of officers, the location and address of the principal office and a designation of agent for service of process, the Secretary of State shall charge and collect a filing fee of five dollars (\$5). The information filed by a corporation pursuant to this section shall be made available to the public upon request. For furnishing a copy of any such statement, the Secretary of State shall charge and collect a fee of one dollar (\$1). This section shall not be construed to place any person dealing with such corporation on notice of, or on duty or obligation to inquire about the existence or content of any such statement.

SEC. 2. Section 3301.1 of the Corporations Code as enacted by Section 2 of Chapter 1159, Statutes of 1969, is amended to read:

3301.1. Any corporation which shall fail to make the initial filing required by Section 3301 of a corporation organized on and after January 1, 1971, or any corporation which shall fail to make the annual filing required by such section to be made during the period commencing on April 1st and ending on June 30th in each year, shall be deemed in default and, except for the purpose of amending the articles of incorporation to set forth a new name, the corporate powers, rights and privileges of such corporation shall, as soon as practicable, be suspended by the Secretary of State and thereupon the Secretary of State shall notify the corporation and the Franchise Tax Board of such suspension. If the only address disclosed by the records of the Secretary of State for the corporation's principal office is the county in which the office is located, then such notice of the suspension of the corporation's powers shall be sent to the county seat addressed to the corporation in care of the county clerk, who shall promptly send it to the corporation at its address in the county, if known to him, or if unknown, he shall cause the notice to be posted at the courthouse of the county for 30 days.

The suspension of the corporate powers, rights and privileges shall be effective upon the transmittal to the Franchise Tax Board of notification of the suspension and has the same effect as a suspension for nonpayment of franchise taxes pursuant to Section 23301 of the Revenue and Taxation Code.

SEC. 3. Section 4102 of the Corporations Code is amended to read:

4102. As used in this chapter, "constituent corporation" means a corporation which is merged or consolidated with one

or more other corporations and, in case of a merger, includes the surviving corporation.

SEC. 4. Section 4103 of the Corporations Code is amended to read:

4103. The board of directors of each corporation seeking to merge or consolidate shall, by resolution, approve the terms and conditions of the proposed agreement and the mode of carrying them into effect, as well as the manner and basis of converting the shares of the constituent corporations into shares or other securities of the consolidated or surviving corporation or of a holding corporation of any of the constituent corporations.

The agreement may provide for the distribution of cash, property, or securities, in whole or in part, in lieu of shares, to shareholders of the constituent corporations or any class of them; but upon such distribution of cash, property, or securities, the liabilities of the consolidated or surviving corporation, including those derived by it from the constituent corporations, plus the amount of the stated capital of the consolidated or surviving corporation, shall not exceed the value of the assets of the consolidated or surviving corporation.

SEC. 5. This act shall become operative on January 1, 1971.

CHAPTER 672

An act to amend Sections 77 and 78 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session), relating to the powers of municipal improvement districts.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 77 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 77. The district may acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate, street and highway lighting facilities; facilities for the collection, treatment and disposal of sewage, industrial wastes, storm waters, garbage and refuse; the production, storage, treatment and distribution of water for public and private purposes; recreation facilities, parks, playgrounds and works to provide for the drainage of roads, streets and public places, including, but not limited to curbs, gutters, sidewalks and grading and pavement; and the reclamation of submerged or other land by watering or dewatering.

SEC. 2. Section 78 of the Embarcadero Municipal Improvement District Act (Chapter 81 of the Statutes of 1960, First Extraordinary Session) is amended to read:

Sec. 78. The district may acquire or construct the reclamation of land for small craft harbor purposes, by grading,

excavation and fill, and acquire or construct therein or in connection therewith breakwaters, levees, jetties, bulkheads, walls of rock or other materials, wharves, piers, docks, slips, quays, moles, launching facilities, and roadways, walkways, parking places, drainage facilities, sewer, water, lighting, garbage and refuse disposal, and all works or utilities incidental to or necessary or useful in the operation of such harbor. Nothing in this section shall be construed as qualifying the district for state financial assistance for the development of harbor facilities.

CHAPTER 673

An act to repeal Sections 43012, 54905, 54914, 54915, 54916, 54918, 54919, 54919.1, 54919.2, 54920, 54921, 54922, 54923, 54924, 54924.5, 54925, 54926, 54927, 54928, 54929, 54929.1, 54930, 54930.1, 54930.2, 54931.1, 54931.2, 54931.3, 54931.4, 54931.5, 54931.6, 54931.7, 54931.8 (as added by Chapter 294 of the Statutes of 1968), 54931.8 (as added by Chapter 976 of the Statutes of 1968), 54931.9, 54932, 54932.1, 54932.2, 54935, 54937 (as added by Chapter 285 of the Statutes of 1969) and 54937 (as added by Chapter 415 of the Statutes of 1969) of the Government Code, to repeal Sections 155.8, 155.15, 263.5, and 279 of, and to repeal Chapter 2.5 (commencing with Section 171) of Part 1 of Division 1 of, the Revenue and Taxation Code, to repeal Section 1 of Chapter 704 of the Statutes of 1968, and to repeal Sections 20, 25, 27, and 28 of Chapter 123 of, and to repeal Chapters 22 and 582 of, the Statutes of 1969, relating to local agencies.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 43012 of the Government Code is repealed.

SEC. 2. Section 54905 of the Government Code is repealed.

SEC. 3. Section 54914 of the Government Code is repealed.

SEC. 4. Section 54915 of the Government Code is repealed.

SEC. 5. Section 54916 of the Government Code is repealed.

SEC. 6. Section 54918 of the Government Code is repealed.

SEC. 7. Section 54919 of the Government Code is repealed.

SEC. 8. Section 54919.1 of the Government Code is repealed.

SEC. 9. Section 54919.2 of the Government Code is repealed.

SEC. 10. Section 54920 of the Government Code is repealed.

SEC. 11. Section 54921 of the Government Code is repealed.

SEC. 12. Section 54922 of the Government Code is repealed.

SEC. 13. Section 54923 of the Government Code is repealed.

SEC. 14. Section 54924 of the Government Code is repealed.

SEC. 15. Section 54924.5 of the Government Code is repealed.

SEC. 16. Section 54925 of the Government Code is repealed.

- SEC. 17. Section 54926 of the Government Code is repealed.
- SEC. 18. Section 54927 of the Government Code is repealed.
- SEC. 19. Section 54928 of the Government Code is repealed.
- SEC. 20. Section 54929 of the Government Code is repealed.
- SEC. 21. Section 54929.1 of the Government Code is repealed.
- SEC. 22. Section 54930 of the Government Code is repealed.
- SEC. 23. Section 54930.1 of the Government Code is repealed.
- SEC. 24. Section 54930.2 of the Government Code is repealed.
- SEC. 25. Section 54931.1 of the Government Code is repealed.
- SEC. 26. Section 54931.2 of the Government Code is repealed.
- SEC. 27. Section 54931.3 of the Government Code is repealed.
- SEC. 28. Section 54931.4 of the Government Code is repealed.
- SEC. 29. Section 54931.5 of the Government Code is repealed.
- SEC. 30. Section 54931.6 of the Government Code is repealed.
- SEC. 31. Section 54931.7 of the Government Code is repealed.
- SEC. 32. Section 54931.8 of the Government Code, as added by Chapter 294 of the Statutes of 1968, is repealed.
- SEC. 33. Section 54931.8 of the Government Code, as added by Chapter 976 of the Statutes of 1968 is repealed.
- SEC. 34. Section 54931.9 of the Government Code is repealed.
- SEC. 35. Section 54932 of the Government Code is repealed.
- SEC. 36. Section 54932.1 of the Government Code is repealed.
- SEC. 37. Section 54932.2 of the Government Code is repealed.
- SEC. 38. Section 54935 of the Government Code is repealed.
- SEC. 39. Section 54937 of the Government Code, as added by Chapter 285 of the Statutes of 1969, is repealed.
- SEC. 40. Section 54937 of the Government Code, as added by Chapter 415 of the Statutes of 1969, is repealed.
- SEC. 41. Section 155.8 of the Revenue and Taxation Code is repealed.
- SEC. 42. Section 155.15 of the Revenue and Taxation Code is repealed.
- SEC. 43. Chapter 2.5 (commencing with Section 171) of Part 1 of Division 1 of the Revenue and Taxation Code is repealed.
- SEC. 44. Section 263.5 of the Revenue and Taxation Code is repealed.
- SEC. 45. Section 279 of the Revenue and Taxation Code is repealed.

SEC. 46. Chapter 22 of the Statutes of 1969 is repealed.

SEC. 47. Section 20 of Chapter 123 of the Statutes of 1969 is repealed.

SEC. 48. Section 1 of Chapter 704 of the Statutes of 1968 is repealed.

SEC. 49. Section 25 of Chapter 123 of the Statutes of 1969 is repealed.

SEC. 50. Section 27 of Chapter 123 of the Statutes of 1969 is repealed.

SEC. 51. Section 28 of Chapter 123 of the Statutes of 1969 is repealed.

SEC. 52. Chapter 582 of the Statutes of 1969 is repealed.

SEC. 53. The repeal of any provision of law by this act shall not affect the rights of any party who has claimed a cancellation or refund or who has filed any document, statement or map pursuant to any such provision prior to the 61st day following the final adjournment of the 1970 Regular Session and such party may pursue any remedy available to him as though such provisions had not been repealed.

CHAPTER 674

An act to amend Section 1407.5 of the Health and Safety Code, relating to hospitals.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1407.5 of the Health and Safety Code is amended to read:

1407.5. Emergency services and care shall be provided to any person requesting such services or care, or for whom such services or care is requested, for any condition in which the person is in danger of loss of life, or serious injury or illness, at any hospital licensed under this chapter that maintains and operates an emergency department to provide emergency services to the public when such hospital has appropriate facilities and qualified personnel available to provide such services or care.

Neither the hospital, its employees, nor any physician, dentist, or podiatrist shall be held liable in any action arising out of a refusal to render emergency services or care if reasonable care is exercised in determining the condition of the person, or in determining the appropriateness of the facilities, the qualifications and availability of personnel to render such services.

The person, if able, or the person responsible for and accompanying such person, shall execute an agreement to pay the charges for such services or care.

CHAPTER 675

An act to add Section 2137.2 to the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2137.2 is added to the Business and Professions Code, to read:

2137.2. Any person who is licensed to practice medicine in any other state, who meets the requirements for application as set forth in Article 4 (commencing with Section 2165) and Article 5 (commencing with Section 2190), of this chapter, and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be employed on the resident medical staff within a county general hospital and, under supervision of a licensed physician and surgeon, may treat persons within such county institution for a period not exceeding two years; provided, that an adequate number of qualified resident physicians cannot be recruited from intern staffs in the State of California, and provided, further, that he has not taken and failed the examination required under Section 2193.5. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such resident physician staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this state except to the extent herein permitted. No person appointed pursuant to this section shall be employed in any county general hospital for a period in excess of two years from the date such person was first employed.

CHAPTER 676*An act to add Section 20569 to the Government Code, relating to Public Employees' Retirement System.*

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20569 is added to the Government Code, to read:

20569. Notwithstanding any other provision of this article the board may enter into an agreement with the governing

body of a contracting agency and the board of supervisors of a county maintaining a retirement system established under the County Employees' Retirement Law of 1937 for termination of the contracting agency's participation in this system and inclusion of its employees in such county system. The agreement shall contain such provisions as the board finds necessary to protect the interests of the system for determination of the amount, time, manner of transfer of cash or the securities or both to be transferred to such county system as representing the value of the interests in the retirement fund of the contracting agency and its employees by reason of accumulated contributions credited to such agency and its employees. All liability of this system with respect to members and retired persons under such contract shall cease and shall become the liability of such county system as of the date of termination specified in the agreement. Liability of the county system shall be for payment of benefits in accordance with provisions of the County Employees' Retirement Law of 1937 applicable to it except that allowances of persons retired on termination date and their beneficiaries and of beneficiaries of deceased members or retired persons who are receiving allowances on such date, shall be continued in at least the amount provided under the agency's contract as it was on that date. Such termination shall not affect the contribution rate of any member in any other employment under the system on the date of termination or any retirement allowance or other benefit based on service to another employer being paid on such termination date. Any member who becomes a member of a county system upon such contract termination shall be subject to provisions of this part and of the County Employees' Retirement Law of 1937 extending rights to a member or subjecting him to limitations because of membership in another retirement system to the same extent that he would have been had he been a member of the county system during his membership in this system under the terminated contract.

CHAPTER 677

An act to add Section 65507 to the Government Code, relating to local planning.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 65507 is added to the Government Code, to read:

65507. When it deems it to be for the public interest, the legislative body may initiate and adopt an ordinance or resolution establishing a specific plan or an amendment thereto. The legislative body shall first refer such proposal to establish such

specific plan or amendment thereto to the planning commission for a report. Before making a report, the planning commission shall hold at least one public hearing. The planning commission shall report within 40 days after the reference, or within such longer period as may be designated by the legislative body. Before adopting the proposed plan or amendment the legislative body shall hold at least one public hearing. Notice of the time and place of hearings held pursuant to this section shall be given in the time and manner provided for the giving of notice of hearings by the planning commission as specified in Section 65500.

CHAPTER 678

An act to amend Section 8046 of the Fish and Game Code, relating to fish-handling privilege taxes.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 8046 of the Fish and Game Code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents (\$0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1972.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

SEC. 2. The Marine Research Committee shall not be affected by the provisions of Reorganization Plan No. 1 of 1969. The Legislative Counsel shall exclude any provisions of Reorganization Plan No. 1 of 1969 affecting the Marine Research Committee in preparing the bill required pursuant to Section 12081 of the Government Code.

CHAPTER 679

An act to amend Section 26490 of the Health and Safety Code, relating to misbranding.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 26490 of the Health and Safety Code is amended to read:

26490. A food shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular;
(2) If it is offered for sale under the name of another food;
(3) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) If its container is so made, formed or filled as to be misleading;

(5) If it is offered for sale by any restaurant as defined in Section 28522, and contains any food additive which is not listed by the Federal Food and Drug Administration on its GRAS (generally recognized as safe) list. If any substance not so listed is used or added by the restaurateur, the menu offering such foods for sale shall display a statement of the food additives so contained.

CHAPTER 680

*An act to amend Section 18005 of the Government Code,
relating to state civil service.*

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18005 of the Government Code is amended to read:

18005. (a) Upon separation from service without fault on his part, a person is entitled to a lump sum payment as of the time of separation for any unused or accumulated vacation or for any time off to which he is entitled by reason of previous overtime work where compensating time off for overtime work is provided for by the appointing power or by rules of the State Personnel Board. Such sum shall be computed by projecting the accumulated time on a calendar basis so that the lump sum will equal the amount which the employee would have been paid had he taken the time off but not separated from the service.

(b) Persons separated from service through fault of their own are entitled to a lump sum payment for such compensating time off for overtime work, and in addition, such portion, if any, of unused vacation as the State Personnel Board may determine. The computation of such sum shall be based on actual accumulated time without projection as provided in (a).

(c) Lump sum payment for vacation shall not be made to a person who separates from a position for the purpose

of accepting another position in the state service except: (1) upon movement to a position in which vacation credits are neither accrued nor used or (2) upon reassignment of an employee of the Trustees of the California State Colleges, subsequent to January 1, 1965, from a position other than an academic year position, to an academic year position. However, a lump sum payment shall not be made to a person who returns to a position in the same class and agency within 15 working days of the date of his resignation.

(d) Except for payment authorized or excluded under subdivision (c) an employee who returns to state service during the period through which his lump sum payment was computed may refund the amount of lump sum payment which exceeds his break in service and have the balance of credits restored as though he had remained in state service and taken the time off.

CHAPTER 681

An act to add Section 25252.5 to the Vehicle Code, relating to lights on vehicles.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25252.5 is added to the Vehicle Code, to read:

25252.5. (a) Every authorized emergency vehicle may be equipped with a system which flashes the upper-beam headlamps of the vehicle with the flashes occurring alternately from the front headlamp on one side of the vehicle to the front headlamp on the other side of the vehicle. The flashing of the headlamps shall consist only of upper-beam flashing, and not the flashing of any other light beam. Such system shall not be used during darkness, and shall be used as provided for in this section.

(b) "Upper-beam headlamp," as used in this section, means a headlamp or that part of a headlamp which projects a distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(c) The system provided for in subdivision (a) shall only be used:

(1) In response to an emergency call or while engaged in rescue operations or is being used in the immediate pursuit of an actual or suspected violator of the law or is responding to, but not returning from, a fire alarm.

(2) When the driver of the vehicle sounds a siren and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.

The California Highway Patrol shall approve the equipment permitted under subdivision (a).

CHAPTER 682

An act to amend Section 653f of the Penal Code, relating to soliciting the commission of crimes.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 653f of the Penal Code is amended to read:

653f. Every person who solicits another to offer or accept or join in the offer or acceptance of a bribe, or to commit or join in the commission of murder, robbery, burglary, grand theft, receiving stolen property, extortion, rape by force and violence, perjury, subornation of perjury, forgery, kidnapping, or assault with a deadly weapon or instrument or by means of force likely to produce great bodily injury, is punishable by imprisonment in the county jail not more than one year or in the state prison not more than five years, or by fine of not more than five thousand dollars (\$5,000), or by both such fine and imprisonment. Such offense must be proved by the testimony of two witnesses, or of one witness and corroborating circumstances.

CHAPTER 683*An act to amend Section 4023 of the Penal Code, relating to prisoners.*

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4023 of the Penal Code is amended to read:

4023. Whenever the daily average of more than 100 persons are confined in any county or city jail there shall be available at all times a duly licensed and practicing physician for the care and treatment of all persons confined therein. Such daily average shall be determined by the number of persons confined in such jails during the last fiscal year. For county jails, such physician shall be designated by the sheriff. The salary of such physician shall be fixed by the supervisors of the county and shall be paid out of the same fund of the county as other claims against the county for salaries are paid. For city jails, such physician shall be designated and his salary fixed by the council of the city and shall be paid out of the general fund of such city. Any prisoner may decline such care or treatment and provide other care or treatment for himself at his own expense.

In the event a prisoner elects to decline treatment by the county or city jail physician and to provide medical treatment at his own expense, the sheriff or chief of police may have him removed from the county or city jail to a privately owned and operated medical facility or hospital located in the county approved by a judge of the superior court for such treatment. The prisoner shall be liable for the costs incurred by the county or city in providing the necessary custody and security of the prisoner only to the extent that such costs exceed the costs which would have been incurred by the county or city in providing such custody and security if it had provided treatment for him. The prisoner shall at all times remain in the location specified by the court and at no time be permitted to be housed or detained at any facility other than that designated.

CHAPTER 684

An act to amend Section 15802.5 of the Education Code, relating to school insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 15802.5 of the Education Code is amended to read:

15802.5. Notwithstanding the provisions of Section 15802, for the 1969-1970 and 1970-1971 fiscal years only, upon the approval of the Superintendent of Public Instruction, the deductible amount of fire insurance for any school district with an average daily attendance of less than 50,000 may exceed one thousand dollars (\$1,000) for each occurrence.

This section shall remain in effect until July 1, 1971, and thereafter shall have no force or effect.

SEC. 2. The Legislative Analyst shall conduct a study to determine, among other things, the property losses being suffered by school districts as a result of fire, vandalism, and malicious mischief, as well as other causes, the cost to school districts of insuring school property against such losses, and the amount of such losses which is uncompensated by insurance and shall recommend a feasible program for state participation in the payment of excessive school property losses or school property insurance premiums. The Legislative Analyst shall report his findings and recommendations to the Legislature no later than the fifth calendar day of the 1971 Regular Session.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that this act can take effect by July 1, 1970, and prevent an interruption of the operation of the law amended by this act, it is essential that this act take immediate effect.

CHAPTER 685

An act to amend Sections 6307, 6315, 6316, 6318, and 6323 of the Welfare and Institutions Code, relating to mental health.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6307 of the Welfare and Institutions Code is amended to read:

6307. The judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be a holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years to make a personal examination of the alleged mentally disordered sex offender, directed toward ascertaining whether the person is a mentally disordered sex offender.

SEC. 2. Section 6315 of the Welfare and Institutions Code is amended to read:

6315. If, upon the hearing, the person is found by the superior court not to be a mentally disordered sex offender, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

SEC. 3. Section 6316 of the Welfare and Institutions Code is amended to read:

6316. If, after examination and hearing, the court finds that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, the court in its discretion has the alternative to return the person to the criminal court for further disposition or may make an order committing the person to the department for placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order.

If after examination and hearing, the court finds that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge. Such court shall resume the proceedings and shall impose sentence or make such other suitable disposi-

tion of the case as the court deems necessary. If, however, such court is satisfied that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital it may recertify the person to the superior court of the county. The superior court may make an order committing the person for an indefinite period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of mentally disordered sex offenders designated by the court and provided pursuant to Section 6326.

SEC. 4. Section 6318 of the Welfare and Institutions Code is amended to read:

6318. If a person ordered under Section 6316 to be committed as a mentally disordered sex offender to the department for placement in a state hospital for care and treatment, or any friend in his behalf, is dissatisfied with the order of the judge so committing him, he may, within 15 days after the making of such order, demand that the question of his being a mentally disordered sex offender be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon the court shall set the case for hearing at a date, or shall cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than 10 days from the date of the demand for a court or jury trial. The court shall adjudge whether the person is a mentally disordered sex offender, or if it is a trial by jury the judge shall submit to the jury the question: Is the person a mentally disordered sex offender?

SEC. 5. Section 6323 of the Welfare and Institutions Code is amended to read:

6323. Certified copies of the affidavit, certification from the trial court, order for examination or detention, order for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of commitment for an indeterminate period shall be delivered to the person transporting the mentally disordered sex offender to the state hospital, and shall be delivered by that person to the officer in charge of the hospital.

SEC. 6. The provisions of Sections 6307, 6315, 6316, 6318, and 6323 of the Welfare and Institutions Code in effect prior to the effective date of this act shall apply to pending proceedings under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

For the purposes of this section, "pending proceedings" are proceedings in which a person has been certified for hearing and examination, pursuant to Section 6302, by the superior court to determine whether the person is a mentally disordered sex offender, but the court has not made an order committing the person for an indeterminate period to a state hospital.

CHAPTER 686

An act to amend Sections 70142, 72190, and 72706 of the Government Code, relating to judicial officers.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 70142 of the Government Code is amended to read:

70142. Every court commissioner shall be a citizen of the United States, a resident of this state, and, if required by the court for which he is to be a commissioner, shall have been admitted to practice before the Supreme Court of the state for a period of at least five years immediately preceding his appointment. He shall hold office during the pleasure of the court appointing him and shall not engage in the private practice of law.

SEC. 2. Section 72190 of the Government Code is amended to read:

72190. Within the jurisdiction of the court and under the direction of the judges, commissioners of municipal courts shall exercise all the powers and perform all of the duties authorized by law to be performed by commissioners of superior courts and such additional powers and duties as may be prescribed by law. They shall possess the same qualifications the law requires of a judge and shall not engage in the private practice of law. They shall be ex officio deputy clerks.

SEC. 3. Section 72706 of the Government Code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding 11, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall receive a monthly salary in the same sum as is paid the Court Commissioners of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, each incumbent municipal court commissioner on the effective date of this act shall nevertheless receive a salary equal to the top step thereof. In no event shall such salary exceed the salary provided for the judges of the municipal courts. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court. They shall not engage in the private practice of law.

CHAPTER 687

An act to amend Sections 1237 and 1238 of the Civil Code, relating to homesteads.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1237 of the Civil Code is amended to read:

1237. The homestead consists of the dwelling house in which the claimant resides, together with outbuildings, and the land on which the same are situated, selected as in this title provided.

The dwelling house may be in a condominium, as defined in Section 783 of the Civil Code, a planned development, as defined in Section 11003 of the Business and Professions Code, a stock cooperative, as defined in Section 11003.2 of the Business and Professions Code, or a community apartment project, as defined in Section 11004 of the Business and Professions Code, or may be situated on real property held under long-term lease rather than a freehold. In such cases, an agreement, covenant, or restriction between or binding upon the owners of a title, interest, or estate in a condominium, planned development, stock cooperative, or community apartment project, or an underlying lease or sublease, indebtedness, security, or other interest or obligation may be enforced in the same manner as if no homestead were declared, and the homestead shall include the interest in and right to use common areas and other appurtenances subject to the terms and conditions applicable thereto. For the purposes of this section "long-term lease" is a lease of 30 years or more.

SEC. 2. Section 1238 of the Civil Code is amended to read:

1238. If the claimant be married, the homestead may be selected:

- (a) From the community property; or
- (b) From the quasi-community property; or
- (c) From the separate property of the husband; or
- (d) Subject to the provisions of Section 1239, from the property held by the spouses as tenants in common or in joint tenancy or from the separate property of the wife.

When the claimant is not married, but is the head of a family, within the meaning of Section 1261, the homestead may be selected from any of his or her property. If the claimant be an unmarried person, other than the head of a family, the homestead may be selected from any of his or her property. Property within the meaning of this title, includes any freehold title, interest, or estate which vests in the claimant the immediate right of possession, even though such a right of possession is not exclusive, and includes land held under long-term lease, as specified in Section 1237, and ownership rights

in a condominium, planned development, stock cooperative, or community apartment project even though the title, interest, or estate of the condominium, planned development, stock cooperative, or community apartment project is in a leasehold or subleasehold.

CHAPTER 688

An act to add Section 32100.01 to the Health and Safety Code, relating to hospital districts.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 32100.01 is added to the Health and Safety Code, to read:

32100.01. A petition to increase the number of members of the board of directors of any district which provides at least 225 hospital beds from five to seven members may be signed and filed with the board of directors at least three months prior to any general hospital district election by registered voters residing within any such local hospital district, equal in number to at least 5 percent of the number of votes cast in that district for the office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall prepare a measure to be printed on the ballots used at the next general hospital district election. The measure shall be printed on the ballots substantially as follows:

“Shall the number of directors of the ----- Hospital District be increased from five to seven?”, with the words “Yes” and “No” so printed in connection therewith that the voters may express their choice.

The county clerk of the organizing county shall accept arguments for and against the measure to be mailed to each registered voter in the district, in accordance with the procedure specified in Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code.

The returns of such election shall be canvassed and declared as at other general hospital district elections. If a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare that the lawful number of directors of the district has been increased by the designated number of members and shall thereupon fill the vacancies so created for terms to expire at the next general election at which directors of the district are elected. If a majority of the votes cast in such election are opposed to such measure, no similar measure shall be placed on the ballot until the next general hospital district election.

CHAPTER 689

An act to amend Section 7526 of the Public Utilities Code, relating to railroad corporations.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7526 of the Public Utilities Code is amended to read:

7526. Every railroad corporation has all of the following powers:

(a) To make such examination and surveys as are necessary to the selection of the most advantageous route for the railroad. The officers, agents, and employees of the corporation may enter upon the lands or waters of any person, for this purpose, subject to liability for all damages which they do thereto.

(b) To receive, hold, take, and convey, by deed or otherwise, as a natural person, such voluntary grants and donations of real estate and other property as are made to it to aid and encourage the construction, maintenance, and accommodation of the railroad.

(c) To purchase, or by voluntary grants or donations to receive, enter, take possession of, hold, and use all such real estate and other property as is necessary for the construction and maintenance of such railroad, and for all stations, depots, and other purposes necessary to successfully work and conduct the business of the road.

(d) To lay out its road, not exceeding 10 rods wide, and to construct and maintain it, with one or more tracks, and with such appendages and adjuncts as are necessary for the convenient use of the road.

(e) To construct its roads across, along, or upon any stream of water, watercourse, roadstead, bay, navigable stream, street, avenue, or highway, or across any railway, canal, ditch, or flume which the route of its road intersects, crosses, or runs along, in such manner as to afford security for life and property. The corporation shall restore the stream or watercourse, road, street, avenue, highway, railroad, canal, ditch, or flume thus intersected to its former state of usefulness as near as may be, or so that the railroad does not unnecessarily impair its usefulness or injure its franchise.

(f) To cross, intersect, join, or unite its railroad with any other railroad, either before or after construction, at any point upon its route, and upon the grounds of the other railroad corporation, with the necessary turnouts, sidings, and switches, and other conveniences in furtherance of the objects of its connections. Every corporation whose railroad is intersected by any new railroad shall unite with the owners of the new railroad in forming the intersections and connections, and grant facilities therefor. If the two corporations cannot agree upon the amount of compensation to be made therefor, or the points

or the manner of the crossings, intersections, and connections, such matters shall be ascertained and determined as is provided in Title 7, Part 3 of the Code of Civil Procedure.

(g) To purchase lands, timber, stone, gravel, or other materials to be used in the construction and maintenance of its road, and all necessary appendages and adjuncts, or acquire them in the manner provided in Title 7, Part 3 of the Code of Civil Procedure, for the condemnation of lands.

(h) To change the line of its road, in whole or in part, whenever a majority of the directors so determine, as provided in Section 7531, but the change shall not vary the general route of the road, as contemplated in its articles of incorporation.

CHAPTER 690

An act to amend Section 34231 of, and to repeal Section 35165 of, the Agricultural Code, relating to milk.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 34231 of the Agricultural Code is amended to read:

34231. (a) Payment for milk, cream, or any fluid derivative of milk or cream shall be made on the basis of weight or measure and percentage of the milk fat or the fluid skim milk components or both contained in it, as determined by samples taken from each farm tank or lot of the milk, cream, or fluid derivative of milk or cream.

(b) Determination of the weight or measure and percentage of milk fat and fluid skim milk components shall be made through tests performed in testing facilities approved by the director.

(c) By mutual agreement between producers and a distributor purchasing milk, cream or any fluid derivative of milk or cream from such producers, testing of such products for milk fat content or fluid skim milk components content may be made by the distributor, or by an independent testing facility, or by contract with the director or subject to his approval, with an approved milk inspection service. In the absence of mutual agreement, and upon written application by a majority of the producers shipping to any milk products plant, or by the distributor operating such plant, the director shall, by procedures established by regulations, designate an employee of the department to perform such tests, or approve a contract with an approved milk inspection service, or in the alternative the director shall designate independent testing facilities to perform such tests.

(d) The cost, for testing such milk, cream or any fluid derivative of milk or cream, for any milk inspector or any inde-

pendent testing facility operated, designated, or approved by the director shall be borne equally by the producer and distributor so affected. Provision for such joint payment shall be set forth by contract between the parties concerned and the approved testing facility. The foregoing cost determinations shall not limit the services which may be performed by the milk inspector as set forth in the contract. The provisions of subdivisions (c) and (d) shall become operative on January 1, 1972.

(e) The provisions of subdivisions (c) and (d) shall not apply to the interplant sales or delivery of milk, cream or any fluid derivative of milk or cream to a distributor by a nonprofit cooperative association. Required tests of such products for either milk fat content or fluid skim milk components content or both may be made by the distributor, or the association, or by an independent testing facility, or by contract with the director or subject to his approval, with an approved milk inspection service.

SEC. 2. Section 35165 of the Agricultural Code is repealed.

CHAPTER 691

An act to authorize the Director of Parks and Recreation to sell or exchange certain state lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation with the approval of the Director of General Services is hereby authorized to exchange all the rights, title, and interests of the state in and to approximately three acres of real property located in the northerly portion of the Malakoff Diggins State Historic Park situated in Nevada County.

SEC. 2. The Director of Parks and Recreation is authorized to exchange a portion of San Clemente State Beach for beach land owned by the City of San Clemente in order to consolidate state and city beach ownership.

SEC. 3. The exchange authorized by this act shall only be made if the Director of Parks and Recreation finds all of the following:

(a) That the property to be conveyed to the state is comparable in value to that which is to be conveyed by the state.

(b) That the exchange will be made upon such terms and conditions as will be for the best interests of the state.

SEC. 4. There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in such land and to the State of California or persons authorized by the State of California the right to prospect for, mine, and

remove such deposits from such property, without, however, the right to enter upon the surface of the land or any part of the subsurface of the land within 500 feet of the surface thereof.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Immediate operation of this act will enable the state to obtain lands adjacent to the Malakoff Diggins State Historic Park and the San Clemente State Beach and will permit earlier possible development of that park and beach.

CHAPTER 692

An act to add Section 6571.1 to the Government Code, relating to joint exercise of powers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6571.1 is added to the Government Code, to read:

6571.1. In addition to other powers, any agency, commission, or board provided for by a joint powers agreement entered into prior to January 1, 1971, between the County of San Bernardino and any city thereof, pursuant to Article 1, if such entity has the power to acquire, construct, maintain, or operate sanitary sewer facilities, including, but not limited to, sanitary sewage treatment plants, and such other sanitary sewerage facilities as may be necessary in connection therewith, may, if the county health officer and the appropriate city health officer or officers, if any, determine that an immediate health hazard exists with respect to sewage, issue revenue bonds pursuant to this article to pay for the acquisition or construction of such facilities at a price below the par or face value thereof, provided that the discount on any bonds so sold shall not exceed 4 percent of the par value thereof.

The Legislature finds and declares that unique problems of sanitation exist in the County of San Bernardino in that the extremely rapid growth in population and the rapid opening of large tracts of land to residential development have caused serious difficulties involving the disposal of sewage which threaten to cause the ordering of cessation of all new construction in many areas unless means are quickly found to provide for the disposal of sewage therein

The Legislature further finds and declares that federal funding, which is presently available to alleviate this critical

problem, may be lost unless immediate steps are authorized to be taken at the local level.

These problems are not, however, common to all areas of the state. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of San Bernardino County.

This section shall be of no further force or effect after January 1, 1971.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to rapid growth of population in certain areas there is a critical need for cooperation between public agencies in the acquisition, construction, maintenance and operation of sanitary sewerage facilities. To meet this critical problem, it is imperative that this act go into effect immediately.

CHAPTER 693

An act to amend Section 11483 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11483 of the Welfare and Institutions Code is amended to read:

11483. Whenever any person has, by means of false statement or representation or by impersonation or other fraudulent device, obtained aid for a child not in fact entitled thereto, the person obtaining such aid shall be punished as follows:

(1) If the amount obtained or retained is two hundred dollars (\$200) or less, by imprisonment in the county jail for a period of not more than six months, a fine of not more than five hundred dollars (\$500), or both such imprisonment and fine.

(2) If the amount obtained or retained is more than two hundred dollars (\$200), by imprisonment in the state prison for not less than one year or more than 10 years or by imprisonment in the county jail for not more than one year.

All actions necessary to secure restitution shall be brought against persons in violation of this section as provided in Sections 12250 and 12850.

CHAPTER 694

An act to amend Section 39068 of, and to add Sections 24260.5, 24354.15, and 39391 to, and to add Chapter 6 (commencing with Section 39260) to Part 1, Division 26 of, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24260.5 is added to the Health and Safety Code, to read:

24260.5. The air pollution control board may, after notice and a hearing, issue, or provide for the issuance by the hearing board, after notice and a hearing, of, an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The air pollution control board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

SEC. 2. Section 24354.15 is added to the Health and Safety Code, to read:

24354.15. The board may, after notice and a hearing, issue, or provide for the issuance by the hearing board, after notice and a hearing, of, an order for abatement whenever the district finds that any person is in violation of Section 24360 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

SEC. 3. Section 39068 of the Health and Safety Code is amended to read:

39068. All penalties paid to the board pursuant to subdivision (m) of Section 39052 shall be paid into the State Treasury for credit to the Air Pollution Control Fund, which fund is hereby created. The money paid into the Air Pollution Control Fund is continuously appropriated to the board to carry out the provisions of this part.

SEC. 4. Chapter 6 (commencing with Section 39260) is added to Part 1, Division 26 of the Health and Safety Code, to read:

CHAPTER 6. ENFORCEMENT

39260. Any person who intentionally or negligently violates any order of abatement issued by any type of air pollu-

tion control district pursuant to Section 24260.5, 24354.15, or 39391 or by the State Air Resources Board pursuant to this part, shall be liable for a civil penalty not to exceed six thousand dollars (\$6,000) for each day in which such violation occurs.

39261. Any person who intentionally or negligently violates Section 24242, 24243, or 39430, or any rule or regulation of a county air pollution control district or a regional air pollution control district or the State Air Resources Board issued pursuant to this part, prohibiting or limiting the discharge of air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars (\$500) for each day in which such violation occurs.

39262. The civil penalties prescribed by Sections 39260 and 39261 shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General, by any district attorney, or by the attorney for any type of air pollution control district in which the violation occurs in any court of competent jurisdiction. In determining such amount, the court shall take into consideration all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, taken by the defendant.

An action brought pursuant to this section to recover such civil penalties shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law.

If such an action is brought by the Attorney General on behalf of any type of air pollution control district, one-half of the penalty collected shall be paid to the treasurer of the district on whose behalf judgment was entered, and one-half of the penalty collected shall be paid to the State Treasurer for deposit in the Air Pollution Control Fund. If such an action is brought by the Attorney General on behalf of the State Air Resources Board, the entire penalty collected shall be paid to the State Treasurer for deposit in the Air Pollution Control Fund. If such an action is brought by a district attorney or by an attorney for any type of air pollution control district, the entire amount of the penalty collected shall be paid to the treasurer of the district on whose behalf judgment was entered.

39263. As used in Sections 39260 and 39261, "person" also means any state or local governmental agency or public district, or any officer or employee thereof. No officer or employee of the state or any local governmental agency or public district shall, however, be responsible under the provisions of Section 39260 or 39261 for any acts done by such governmental agency, or public district, in the performance of its functions or by such officers or employees in the performance of their duties. Any state or local governmental agency, or public

district which violates Section 39260 or 39261 shall be subject to the civil penalty prescribed by Section 39260 or 39261.

39264. The provisions of this chapter shall not be applicable to vehicular sources as defined in Section 39007.

SEC. 5. Section 39391 is added to the Health and Safety Code, to read:

39391. The board may, after notice and a hearing, issue, or provide for the issuance by the hearing board, after notice and a hearing, of, an order for abatement whenever the district finds that any person is in violation of Section 39480 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the hearing board by this chapter. The hearing board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by this chapter.

CHAPTER 695

An act to amend Section 9984.5 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9984.5 of the Business and Professions Code is amended to read:

9984.5. (1) Notwithstanding the provisions of Sections 9975, 9977, and 9984, relating to fees, any employment agency which as its sole means of procuring or attempting to procure employment or engagements for others, uses a computer system to correlate and match information furnished by prospective employees and requirements from prospective employers, may as its sole compensation for services charge either a prospective employee or a prospective employer, but not both, a nonrefundable fee not to exceed fifteen dollars (\$15). In order to qualify under this section an agency shall satisfy all of the following requirements:

(a) Contact prospective employees not less than once every three months to ascertain whether they are presently seeking employment indicated in the agency's records. If the prospective employee has obtained employment or indicates he is no longer interested in employment, data with respect to such person may be removed from the computer system. If such person indicates he is seeking a position registered with the agency, data as to such person shall remain in the computer system for not less than one year from the date the fee was paid.

(b) The agency shall, not less than once per week, process all data through the computer system to obtain matches of prospective employees and prospective employers and notify the prospective employer of the name, qualifications and means of

contacting such persons matching with such prospective employer, not more than 48 hours after such process.

(c) Comply with all rules and regulations adopted by the bureau.

The bureau shall adopt and enforce such rules and regulations as it determines are reasonably necessary to carry out the purposes of this section and to protect and safeguard persons seeking employment from fraud.

(2) Notwithstanding the provisions of Sections 9975, 9977, and 9984, relating to fees, any employment agency which as its sole means of procuring or attempting to procure employment or engagements for others, places the qualifications of applicants before prospective employers in areas exclusively outside the United States shall not be required to include the word "agency" in its title, or in any other identifying materials used in the conduct of its business.

CHAPTER 696

An act to amend Sections 201, 222, 233, 234, 242, 252, and 288 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 201 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 201. The declaration of public interest or necessity required by Section 200 and the provision for the holding of such election on the proposition of incurring a bonded indebtedness may be included within one and the same ordinance, which in addition to such declaration of public interest or necessity shall recite all of the following:

(a) The objects and purposes for which the indebtedness is proposed to be incurred.

(b) The estimated cost thereof, or the estimated amount of preliminary expenses, as the case may be.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum rate of interest to be paid on such indebtedness, which rate shall not exceed 7 percent per annum payable semiannually, unless the board determines by a two-thirds vote of the total vote of the board that the interests of the district and the public interest or necessity require that bonds be sold subject to a higher maximum rate in order to obtain needed funds.

SEC. 2. Section 222 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 222. The bonds shall be issued in such denominations as the board may determine, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rates specified therein, which rates shall not exceed 7 percent per annum payable semiannually, unless the board determines by a two-thirds vote of the total vote of the board that the interests of the district and the public interest or necessity require that bonds be sold subject to a higher maximum rate in order to obtain needed funds.

SEC. 3. Section 233 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 233. The board by a two-thirds vote may, without a vote of the electors, issue general obligation bonds of the district subject to the following conditions:

(a) The aggregate principal amount of such bonds shall not exceed the then unissued balance of the principal amount of bonds authorized at an election held in the district prior to July 1, 1966.

(b) The bonds are issued for the same purpose as that for which the proceeds of such unissued bonds could have been used.

(c) The bonds are issued in accordance with the provisions of Chapter 1 (commencing with Section 200) of this part, except for the requirement of a bond election.

The bonds issued pursuant to this chapter may bear interest at rates which shall not exceed 7 percent per annum, payable semiannually, unless the board determines by a two-thirds vote of the total vote of the board that the interests of the district and the public interest or necessity require that bonds be sold subject to a higher maximum rate in order to obtain needed funds.

When bonds are issued pursuant to this chapter, unissued bonds as referred to in (a) above in a principal amount equal to the principal amount of bonds issued pursuant to this chapter shall not be issued.

SEC. 4. Section 234 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 234. The authority to issue bonds pursuant to this chapter shall expire on July 1, 1980.

SEC. 5. Section 242 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 242. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred shall not exceed one-half of 1 percent of the assessed valuation of the property within the district taxable for district purposes.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually, unless the board determines by a two-thirds vote of the total vote of the board that the interests of the district and the public interest or necessity require that bonds be sold subject to a higher maximum rate in order to obtain needed funds.

(c) The term of such indebtedness shall not exceed 12 years.

SEC. 6. Section 252 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 252. All indebtedness incurred pursuant to this chapter shall be subject to the following limitations:

(a) The indebtedness so incurred outstanding at any time shall not exceed the sum of 50 percent of the aggregate amount of special taxes thereafter to be levied by the district pursuant to the authority of Articles 1, 2, or 3 of Chapter 1 of Part 7 and 50 percent of the aggregate amount that then would be acceptable in cash by the district as payment in full of special tax levies by the district pursuant to the authority of Article 6 (commencing with Section 405) of Chapter 1 of Part 7 and annexation proceedings concluded thereunder, or 1 percent of the assessed valuation of property within the district taxable for district purposes, whichever shall be the lesser.

(b) The interest payable on such indebtedness shall not exceed 7 percent per annum payable semiannually, unless the board determines by a two-thirds vote of the total vote of the board that the interests of the district and the public interest or necessity require that bonds be sold subject to a higher maximum rate in order to obtain needed funds.

(c) The term of such indebtedness shall not exceed 12 years.

(d) The whole amount of such indebtedness or of the respective installment thereof, depending upon whether the bonds or other evidence of such indebtedness shall be issued in one block or in installments, shall be made payable in substantially equal annual parts during the term of such indebtedness or installment thereof, as the case may be.

SEC. 7. Section 288 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969) is amended to read:

Sec. 288. When bonds of the district are issued and any portion of the proceeds of the sale are to be used to pay bond anticipation notes, such bonds shall mature not later than the maximum permissible term for such bonds from the date of such notes as originally issued.

CHAPTER 697

An act to amend Section 13329 of, and to repeal Section 13329.1 of, the Education Code, relating to employment in the public schools.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13329 of the Education Code is amended to read:

13329. Service by a person as an instructor in classes conducted under contract with public or private agencies shall not be included in computing the service required as a pre-

requisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

This section shall not be construed to apply to any regularly credentialed teacher who has been employed to teach in the regular educational programs of the school district as a probationary employee before being subsequently assigned to any one of these programs.

Sec. 2. Section 13329.1 of the Education Code is repealed.

CHAPTER 698

An act to amend Section 25232 of the Education Code, relating to public works.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25232 of the Education Code is amended to read:

25232. Work on all projects shall be done under contract awarded to the lowest responsible bidder pursuant to this chapter, except that it may be done by day's labor under the direction of the trustees:

(a) In case of emergency for work and remedial measures which are required immediately, when the total costs of such day's labor for each such job does not exceed three thousand five hundred dollars (\$3,500).

(b) At any time after the approval of plans, specifications and estimates of cost, if the trustees deem the advertising or award of a contract, the acceptance of any bid, or the acceptance of any further bids after the rejection of all submitted bids, is not in the best interests of the state.

CHAPTER 699

An act to add Article 10 (commencing with Section 29271) to Chapter 1 of Division 13 of the Agricultural Code, relating to certification of bee colony strength.

[Approved by Governor August 12, 1970 Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 29271) is added to Chapter 1 of Division 13 of the Agricultural Code, to read:

Article 10. Colony Strength

29271. The director may establish a system for certifying colony strength for bees used in pollination of agricultural crops.

29272. The colony strength of a bee colony shall be certified after inspection on the basis of the number of active frames of bees or the square inches of brood per colony, or both, using a sampling system, approved by the director.

29273. The inspection and certification of colony strength for bees may be made by department employees, the commissioner or persons authorized by the commissioner, or persons appointed by the director.

29274. Inspection and certification shall be made at the request of the beekeeper or agricultural producer involved. The party requesting the inspection and certification shall pay for the service.

29275. The director may by regulation establish reasonable fees to cover the cost of inspection and certification performed by department employees and persons appointed by the director, other than the agricultural commissioner.

29276. The board of supervisors of the county may establish reasonable fees to cover the cost of inspection and certification performed by the commissioner.

CHAPTER 700

An act to amend Section 25611 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25611 of the Business and Professions Code is amended to read:

25611. No sign or signs which in whole or in part advertise any alcoholic beverage and exceed in area 720 square inches shall be maintained, erected, used, or placed upon or adjacent to the outside of any building and in connection with any premises therein licensed to sell alcoholic beverages at retail for consumption on the premises.

CHAPTER 701

An act to add Sections 4454 and 4455 to the Government Code, relating to handicapped persons.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4454 is added to the Government Code, to read:

4454. Where state funds are utilized for any building or facility subject to this chapter, no contract shall be awarded until the Department of General Services has issued written approval stating that the plans and specifications comply with the intent of this chapter.

In each case the application for approval shall be accompanied by the plans and full, complete, and accurate specifications, which shall comply in every respect with any and all requirements prescribed by the Department of General Services.

The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services. All such fees shall be deposited into a special account in the General Fund. Such account is available without regard to fiscal years for the use of the Department of General Services in carrying out its responsibilities under this chapter.

The Department of General Services shall consult with the Department of Rehabilitation in identifying the requirements necessary to comply with this chapter.

SEC. 2. Section 4455 is added to the Government Code, to read:

4455. The Department of Rehabilitation shall be responsible for educating the public and working with officials of cities, counties, municipalities, and other political subdivisions, private architects, designers, planners, and other interested parties in order to encourage and help them make all buildings, facilities, and improved areas accessible to and usable by handicapped persons for purposes of rehabilitation, employment, business, recreation, and all other aspects of normal living.

CHAPTER 702

An act to amend Section 1616 of the Revenue and Taxation Code, relating to local equalization proceedings.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1616 of the Revenue and Taxation Code is amended to read:

1616. (a) If a county board changes the full cash value on a parcel of real property to a value different from the assessor's finding of value (as reflected by the assessment on the roll or as recommended, proposed, or stipulated by the assessor), and, during the succeeding two assessment years, the assessor seeks to raise the value total as lowered by the board below the assessor's value, or to lower the total value as raised by the board above the assessor's value, the value of the property shall be rebuttably presumed to be the value set by the board. When seeking such a change in value, the assessor shall give written notice of the proposed full cash value and assessed value to the other party and the matter

shall automatically be placed before the board, unless such other party files a written statement with the board that he does not want to contest the matter and in that event the matter will not be placed before the county board.

(b) If, in such succeeding two assessment years, the board changes the value previously set by the board on that parcel to a value different from the assessor's finding of value as recommended, proposed, or stipulated by the assessor for that year, the previously set value shall be deemed rebutted and the new value set by the board shall be rebuttably presumed to be the value of that parcel during the succeeding two assessment years.

(c) A presumption created under this section shall cease to exist upon a subsequent change in zoning or permissive use of a parcel of real property, a change of assessed value due to an intercounty equalization order issued by the State Board of Equalization or a subsequent physical change in the property requiring a permit for land or improvements. If any of the conditions described in this subdivision occur, the matter shall not be automatically placed before the board.

(d) When any matter is placed before the board pursuant to this section, the clerk shall notify the parties affected of the time and place of hearing in the same manner as notice is given for application for changes of assessments. If the party affected or his agent does not appear or has not made timely request for continuance, the matter shall be heard by the board and the assessor shall present his evidence notwithstanding the failure of the party affected or his agent to appear or to request a continuance. The board in this event shall either accept the assessor's value or maintain the value previously set by the board.

This section shall not apply to property under initial construction or development, nor to changes of value made pursuant to legislation enacted under the authorization of Section 2.8 of Article XIII of the Constitution of the State of California, nor to trade fixtures.

SEC. 2. This act shall apply to equalization proceedings for the 1971-1972 assessment year and assessment years thereafter.

CHAPTER 703

An act to add Section 1463.4 to the Penal Code, relating to the disposition of fines.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1463.4 is added to the Penal Code, to read:

1463.4. Notwithstanding the provisions of Section 1463, out of the moneys deposited with the county treasurer pur-

suant to Section 1463, there shall be transferred, once a month, into the general fund of any regional park district in the county an amount equal to 90 percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested or notified by police officers appointed or employed by the regional park district and charged with a violation of the provisions of the Vehicle Code or vehicle regulations of the district upon property owned or leased by the district within the county, and an amount equal to the remaining 10 percent shall be transferred into the general fund of the county.

CHAPTER 704

An act to amend Sections 799 and 800 of the Penal Code, relating to time for commencing criminal actions.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 799 of the Penal Code is amended to read:

799. There is no limitation of time within which a prosecution for murder, the embezzlement of public moneys, a violation of Section 209, or the falsification of public records must be commenced. Prosecution for murder may be commenced at any time after the death of the person killed. Prosecution for the embezzlement of public money, a violation of Section 209, or the falsification of public records may be commenced at any time after the discovery of the crime.

SEC. 2. Section 800 of the Penal Code is amended to read:

800. An indictment for any felony, except murder, the embezzlement of public money, the acceptance of a bribe by a public official or a public employee, grand theft, a violation of Section 209, forgery, or the falsification of public records, shall be found, an information filed, or case certified to the superior court within three years after its commission. An indictment for the acceptance of a bribe by a public official or a public employee, a felony, shall be found, an information filed, or case certified to the superior court within six years after its commission. An indictment for grand theft or forgery shall be found, an information filed, or case certified to the superior court within three years after its discovery.

CHAPTER 705

An act to add Section 31552.2 to the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31552.2 is added to the Government Code, to read:

31552.2. All existing officers and employees of the county, now members of the retirement system, and who became employed by the county during that interim period when the law did not allow membership into the retirement system until the first day of the calendar month following the expiration of 180 days after his entrance into service, shall be allowed to make contributions and receive credit for that period of time as prior county service. The contribution rate shall be as prescribed in Section 31641.5 and election to receive credit for such service shall be available until time of filing of notice of retirement from county service.

CHAPTER 706

An act to amend Section 753 of the Financial Code, relating to investments in realty by banks.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 753 of the Financial Code is amended to read:

753. The aggregate investment of a commercial bank, of a savings bank or of a trust company in real property held pursuant to subdivision (a) of Section 750 of this chapter, in furniture and fixtures, vaults, safe deposit boxes, and other personal property, in the stock of one or more corporations authorized by Section 752 of this chapter, in the stock of one or more corporations authorized by Section 758 of this chapter, in the bonds or other obligations of such corporations, and in all loans or extensions of credit made by the bank or trust company to such corporations or upon the security of the stock thereof, shall not exceed in the aggregate at any time 75 percent of its capital and surplus, unless the superintendent shall approve a larger investment and unless such larger investment is approved by a vote of two-thirds of all of the directors of the bank or trust company.

CHAPTER 707

An act to amend Section 7117 of the Health and Safety Code, relating to burials.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7117 of the Health and Safety Code is amended to read:

7117. Cremated remains may be taken by boat from any harbor in this state, or by air, for burial at sea at a point not less than three miles from the nearest shoreline. Cremated remains shall be removed from their container before such remains are buried at sea.

Any person who buries at sea, either from a boat, or from the air, any human cremated remains shall carry out the burial services within 50 days from the reduction of the body to cremated remains, and file with the local registrar of births and deaths in the county nearest the point where the remains were buried, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains were buried, and any other information that the local registrar of births and deaths may require. Burial services may be delayed until weather conditions improve if inclement weather prevents safe burial.

Notwithstanding any other provisions of this code, the cremated remains of a deceased person may be buried at sea as provided in this section.

CHAPTER 708*An act to amend Section 22013 of the Government Code, relating to the Public Employees' Retirement System.*

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22013 of the Government Code is amended to read:

22013. "Policeman" as used in this part includes members of the California Highway Patrol, law enforcement members employed by the Bureau of Narcotic Enforcement and Bureau of Criminal Identification and Investigation and the deputy director and assistant director of the Justice Department, sheriffs, undersheriffs, deputy sheriffs, marshals and deputy marshals, and any other employee of a public agency other than the state or University of California in a position designated as a policeman's position by the board; provided, any such position named herein or as may be designated by

the board, is not contrary to any definition, ruling or regulation issued by the federal agency relating to the term "policeman" for the purposes of Section 218(d)(5)(A) of the Social Security Act.

SEC. 2. This act shall not become operative until such time as a ruling or regulation authorizing the inclusion of law enforcement members employed by the Bureau of Narcotic Enforcement and the Bureau of Criminal Identification and Investigation and the deputy director and assistant director of the Justice Department as members within the definition of "policeman" is issued by the federal agency for purposes of Section 218(d)(5)(A) of the Social Security Act.

CHAPTER 709

An act to add Section 250.7 to the Health and Safety Code, relating to crippled children's services.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 250.7 is added to the Health and Safety Code, to read:

250.7. The department shall, without impairing existing programs, give priority to use of funds appropriated in Item 274 of the Budget Act of 1970 to implement the following recommendations contained in the report on priorities for handicapping conditions for inclusion in the Crippled Children Services Program, prepared by the Department of Public Health and submitted to the Legislature in January of 1970, pursuant to Assembly Concurrent Resolution 22 (Resolution Chapter 180, Statutes 1969):

1. Endocrine and metabolic disorders including those posing medical management problems or problems of identification and diagnosis.

2. Convulsive disorders which are complicated in medical management or pose difficulties in diagnosis, or both.

3. Blood dyscrasias, including such conditions as sickle-cell anemia, aplastic anemia, hypoplastic anemia, and comparable disorders of the blood system.

4. All neoplasms.

5. Severe skin disorders such as epidermolysis bullosa.

CHAPTER 710

An act to add Section 54951.7 to the Government Code, relating to meetings.

[Approved by Governor August 12, 1970. Filed with Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 54951.7 is added to the Government Code, to read:

54951.7. "Local agency" includes any nonprofit corporation, created by one or more public agencies, whose board of directors is appointed by such public agencies and which is formed to acquire, construct, reconstruct, maintain or operate any public work project.

CHAPTER 711

An act to add Section 54933.3 to the Government Code, relating to city annexations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 12, 1970. Filed with
Secretary of State August 12, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 54933.3 is added to the Government Code, to read:

54933.3. Notwithstanding any other provision of this chapter, any annexation by a city, the proceedings for which were completed on March 30, 1970, shall be effective for assessment and taxation purposes for the 1970-71 fiscal year if the statement and map or plat required by Sections 54900 and 54901 were filed with the State Board of Equalization on or before April 6, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Unless this act takes effect immediately, a city which has annexed territory and otherwise qualifies to levy taxes in the territory except for a procedural filing defect will not be able to levy taxes in the annexed territory for the fiscal year to cover the cost of services being furnished the territory.

CHAPTER 712

An act to add Section 4582 to the Public Resources Code, relating to forest practice.

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4582 is added to the Public Resources Code, to read:

4582. Notwithstanding any of the provisions of this chapter, the Counties of San Mateo, Marin, and Santa Clara shall have the right, within the reasonable exercise of their police power, to adopt rules and regulations by ordinance or resolution which are stricter than those provided under this chapter and those promulgated by the committee. Such county rules and regulations may include, but are not limited to, matters relating to soil erosion control, water quality and watershed control, flood control, sustained yield timber production, stand density control, reforestation methods, mass soil movements, submission of logging plans, location and grade of logging roads and skid trails, excavation and fill requirements, fire prevention and control methods, slash and debris disposal, haul routes and schedules, hours and dates of logging, and performance bond requirements.

SEC. 2. The Legislature hereby declares that it is essential to the welfare of the people of the Counties of San Mateo, Marin, and Santa Clara that the timberlands of such counties be protected and the ecological balance of such timberlands be preserved and that, in view of the proximity of the timberlands to urban centers of large and expanding population, the unique relationship of the timberlands to other areas of such counties, and the unique nature of the timberlands themselves, a general law cannot be made applicable and the enactment of this act as a special law is necessary in order to protect and preserve such lands.

CHAPTER 713

An act to add Sections 17681, 17702.4, and 20910.5 to the Education Code, relating to school district reorganization.

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 17681 is added to the Education Code, to read:

17681. The provisions of this article shall not be applicable to the territory of any school district included in a unification proposal, pursuant to the provisions of Chapter 1246 of the Statutes of 1967, which was rejected by the electorate, and which has been restored to existence as a separate elementary school district or high school district, as the case may be, pursuant to the provisions of Chapter 1246 of the Statutes of 1967.

SEC. 2. Section 17702.4 is added to the Education Code, to read:

17702.4. The provisions of Sections 17702.2 and 17706 shall not be applicable to the territory of any school district included in a unification proposal, pursuant to the provisions of Chapter 1246 of the Statutes of 1967, which was rejected by the electorate, and which has been restored to existence as a separate

elementary school district or high school district, as the case may be, pursuant to the provisions of Chapter 1246 of the Statutes of 1967.

SEC. 3. Section 20910.5 is added to the Education Code, to read:

20910.5. The provisions of this chapter shall not be applicable to the territory of any school district included in a unification proposal, pursuant to the provisions of Chapter 1246 of the Statutes of 1967, which was rejected by the electorate, and which has been restored to existence as a separate elementary school district or high school district, as the case may be, pursuant to the provisions of Chapter 1246 of the Statutes of 1967.

CHAPTER 714

An act to add Chapter 7 (commencing with Section 39270) to Part 1, Division 26 of the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor August 13, 1970. Filed with Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 39270) is added to Part 1, Division 26 of the Health and Safety Code, to read:

CHAPTER 7. COORDINATED BASINWIDE AIR POLLUTION CONTROL PLANS

39270. In each county, other than a county lying within the boundaries of the Bay Area Air Pollution Control District, which is entirely within one air basin but which is not a county air pollution control district which is functioning and exercising its powers nor a part of a regional air pollution control district, there shall, notwithstanding any other provision of law and without the adoption of any resolution by the board of supervisors thereof, be an air pollution control district of the kind provided for by, and which shall be subject to, administer, and enforce, the provisions of Chapter 2 (commencing with Section 24198) of Division 20 of this code.

39271. In each county, other than a county lying within the boundaries of the Bay Area Air Pollution Control District, which lies within more than one air basin, each portion of the county which lies within one air basin but which portion is not within a county air pollution control district which is functioning and exercising its powers nor a part of a regional air pollution control district, shall, notwithstanding any other provision of law and without the adoption of any resolution

by the board of supervisors thereof, be an air pollution control district of the kind provided for by, and which shall be subject to, administer, and enforce, the provisions of Chapter 2 (commencing with Section 24198) of Division 20 of this code, whose boundaries shall be coterminous with the boundaries of the portion of the county lying within a single air basin.

39272. If on April 1, 1971, there is not in each air basin a single regional district with boundaries coterminous with those of the air basin, the local and regional authorities in each such air basin shall, on or before July 1, 1971, establish a Basinwide Air Pollution Control Coordinating Council composed of a member, who is an elected official, of and designated by the board of directors of each air pollution control district all or a part of which lies within the basin, to represent all local and regional authorities in the air basin to the board.

39273. Each basinwide regional district and each council established pursuant to Section 39272 shall establish a coordinated basinwide air pollution control plan and such district or council shall submit such plan to the board by no later than January 1, 1972. If there are federally recognized regional planning agencies within the air basin, the plan, or any proposed amendment thereto, shall first be submitted to such agencies for their review and comments. The plan or the proposed amendment shall be submitted with such comments to the board. Such plan shall include emission standards, and enforcement procedures which will within a reasonable time achieve or exceed the air quality standards established by the board for that air basin. Such plan may be reviewed continuously or periodically by the basinwide regional district or council and shall be reviewed thereby at least once every two years. Such plan shall be reviewed by the basinwide regional district or council upon the request of any air pollution control district of any type or of the board. Each revised plan shall be submitted to the board.

39274. If the board finds that any original or revised coordinated basinwide air pollution control plan established and submitted pursuant to Section 39273 will not achieve the air quality standards established for that basin, or if no timely original or revised plan has been submitted, the board shall establish a coordinated basinwide air pollution control plan which would achieve the air quality standards in effect for that basin. Such plan shall include emission standards and rules and regulations, which shall be enforced by the basinwide regional air pollution control district, or, if no basinwide regional district is functioning in that basin, by all local and regional authorities within that basin. If the board finds that reasonable action to enforce any plan, whether established by a basinwide regional air pollution district or council or by the board, has not been taken, the board may take any appropriate legal action to enforce any such plan, including the emission standards and enforcement procedures therein.

The board shall also have the authority to take in any county air pollution control district any action a functioning district is authorized to take pursuant to Chapter 2 (commencing with Section 24198) of Division 20, and to take in the Bay Area Air Pollution Control District any action such district is authorized to take pursuant to Chapter 2.5 (commencing with Section 24345) of Division 20, and to take in any regional air pollution control district any action such a district is authorized to take pursuant to Chapter 3 (commencing with Section 39350) of Part 2 of Division 26, to enforce any plan, including the emission standards and enforcement procedures therein.

39275. On or before January 1, 1972, each county district all or a part of which lies within an air basin shall submit to the board a program to implement the air pollution control plan of the basin within that county district. If the board finds that the program will not achieve the air quality standards established for the basin, or if no program is submitted within the time specified in this section, the board may exercise the powers of the county air pollution control district within the basin.

SEC. 2. There is hereby appropriated from the General Fund to the State Air Resources Board the sum of forty thousand dollars (\$40,000) to carry out the purposes of Section 39274 of the Health and Safety Code, as added by this act.

SEC. 3. The General Fund shall be reimbursed for the appropriation made pursuant to Section 2 by a loan of an equal amount from the Motor Vehicle Fund.

SEC. 4. The loan made by the Motor Vehicle Fund pursuant to Section 3 shall be repaid as follows:

(a) If Senate Bill No. 262 is enacted at the 1970 Regular Session of the Legislature, the repayment shall be made in the 1970-1971 fiscal year from the California Environmental Protection Program Fund.

(b) If Senate Bill No. 262 is not enacted or there are insufficient funds in the California Environmental Protection Program Fund to repay the loan, the repayment shall be made in the 1970-1971 fiscal year from the General Fund.

CHAPTER 715

An act to add Section 39067.1 to the Health and Safety Code, relating to air pollution, and making an appropriation therefor.

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39067.1 is added to the Health and Safety Code, to read:

39067.1. The board shall establish a program for obtaining data on air quality in each basin established by the board. The board may contract with local or regional authorities for obtaining such data.

SEC. 2. There is hereby appropriated to the State Air Resources Board from the Motor Vehicle Fund the sum of three hundred five thousand dollars (\$305,000) to carry out the purposes of Section 39067.1 of the Health and Safety Code.

SEC. 3. There is hereby appropriated to the State Air Resources Board the sum of four hundred seventy thousand dollars (\$470,000) to carry out the purposes of Section 39067.1 of the Health and Safety Code. The sum shall be paid as follows:

- (a) From the Motor Vehicle Fund-----\$305,000
- (b) From the California Environmental
Protection Program Fund----- 165,000

SEC. 4. Section 3 of this act shall only become operative if Senate Bill No. 262 is enacted at the 1970 Regular Session of the Legislature and creates a California Environmental Program Fund. In such case, Section 3 of this act shall become operative at the same time as S.B. 262 takes effect and Section 2 of this act shall not become operative.

CHAPTER 716

An act to add Sections 582.5, 583.2, and 583.3 to the Education Code, relating to the Educational Innovation Advisory Commission.

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 582.5 is added to the Education Code, to read:

582.5. The commission shall appoint an executive secretary, and for purposes of the laws governing the state civil service, shall be deemed to be the appointing power with respect to such appointee. The executive secretary shall serve at the pleasure of the commission, and shall receive compensation equivalent to a bureau chief or an educational administrator, category II, in the Department of Education.

SEC. 2. Section 583.2 is added to the Education Code, to read:

583.2. In addition to its other functions, the commission shall:

(1) Review the policies and practices relative to the hiring, advancement and assignment of statewide level administrative personnel whose duties include the administration of Title III projects or funds, and make recommendations to the State Board of Education relative to such policies and practices.

(2) Beginning in 1971, and at semiannual intervals thereafter, submit an evaluation report to the Joint Legislative Budget Committee. The evaluation reports shall include the following: (a) a detailed summary of the amount of Title III funds expended and the purposes for which such funds are expended, including funds expended on individual projects, (b) a detailed summary of the assignments of statewide level administrative personnel and departmental employees whose salaries are financed in whole or in part from Title III funds, (c) an evaluation of the effectiveness of each project financed in whole or in part from Title III funds, expressed in terms of the degree to which individual projects attained their objectives, with emphasis on an improvement in achievement levels of pupils in reading and mathematics and in other subjects of concern to the people and to the Legislature, (d) a detailed progress report on the development of a comprehensive dissemination system designed to provide data to local school districts regarding promising experimental projects. The commission shall continue to submit the semiannual reports required by this section until such time as the Joint Legislative Budget Committee is satisfied that these reports are no longer necessary.

SEC. 3. Section 583.3 is added to the Education Code, to read:

583.3. The Superintendent of Public Instruction shall provide information requested by the Educational Innovation Advisory Commission pursuant to the provisions of Section 583.2 and certify to the correctness of the information provided.

CHAPTER 717

An act to amend Sections 65302 and 65303 of the Government Code, relating to local planning.

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, agriculture, natural resources, recreation, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of popu-

lation density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas.

(b) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan.

(c) A housing element consisting of standards and plans for the improvement of housing and for provision of adequate sites for housing. This element of the plan shall endeavor to make adequate provision for the housing needs of all economic segments of the community.

(d) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:

- (1) The reclamation of land and waters.
- (2) Flood control.
- (3) Prevention and control of the pollution of streams and other waters.
- (4) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (5) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (6) Protection of watersheds.
- (7) The location, quantity and quality of the rock, sand and gravel resources.

SEC. 2. Section 65303 of the Government Code is amended to read:

65303. The general plan may include the following elements or any part or phase thereof:

(a) A recreation element showing a comprehensive system of areas and public sites for recreation, including the following, and, when practicable, their locations and proposed development:

- (1) Natural reservations.
- (2) Parks.
- (3) Parkways.
- (4) Beaches.
- (5) Playgrounds.
- (6) Other recreation areas.

(b) The circulation element provided for in Section 65302(b) may also include recommendations concerning parking facilities and building setback lines and the delineations of such systems on the land; a system of street naming, house and building numbering; and such other matters as may be related to the improvement of circulation of traffic.

(c) A transportation element showing a comprehensive transportation system, including locations of rights-of-way, terminals, viaducts, and grade separations. This element of the plan may also include port, harbor, aviation, and related facilities.

(d) A transit element showing a proposed system of transit lines, including rapid transit, streetcar, motor coach and trolley coach lines, and related facilities.

(e) A public services and facilities element showing general plans for sewerage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them.

(f) A public building element showing locations and arrangements of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds.

(g) A community design element consisting of standards and principles governing the subdivision of land, and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other uses.

(h) A housing element consisting of standards and plans for the elimination of substandard dwelling conditions.

(i) A redevelopment element consisting of plans and programs for the elimination of slums and blighted areas and for community redevelopment, including housing sites, business and industrial sites, public building sites, and for other purposes authorized by law.

(j) A safety element for the protection of the community from fires and geologic hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, and geologic hazard mapping in areas of known geologic hazards.

(k) Such additional elements dealing with other subjects which in the judgment of the planning agency relate to the physical development of the county or city.

SEC. 3. The legislative body of each city and county shall comply with the amendments to Section 65302 of the Government Code made by Section 1 of this act by July 1, 1972.

CHAPTER 718

*An act to add Section 31641.01 to the Government Code,
relating to county employees' retirement.*

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31641.01 is added to the Government Code, to read:

31641.01. In any county having a population in excess of 480,000 but less than 503,000 as determined by Section 28020 as amended by Chapter 43 of the Statutes of 1961, the board of supervisors may provide by ordinance that each member shall be credited, at the rate of one day for each one day earned, with sick leave accumulated as of the date of his retirement and that sick leave credit shall be in addition to service credit. The additional cost to the retirement system shall be borne by the county or district.

CHAPTER 719

*An act to add Section 21264.1 to the Government Code,
relating to the Public Employees' Retirement System and
declaring the urgency thereof, to take effect immediately.*

[Approved by Governor August 13, 1970. Filed with
Secretary of State August 13, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21264.1 is added to the Government Code, to read:

21264.1. A contracting agency may elect to make local safety members who are firemen or local safety members who are policemen, or both, subject to the provisions of Section 21264 by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among employees is not required, or by express provision of a contract entered into after the date this section takes effect.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This act must take effect immediately in order for the benefits of this act to be available during the remainder of this year.

CHAPTER 720

An act to amend Section 1974 of the Code of Civil Procedure, relating to representations as to the credit of third persons.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1974 of the Code of Civil Procedure is amended to read:

1974. No evidence is admissible to charge a person upon a representation as to the credit of a third person, unless such representation, or some memorandum thereof, be in writing, and either subscribed by or in the handwriting of the party to be charged. This section is a Statute of Frauds provision and is to be applied in a manner that is consistent with the manner in which subdivision 2 of Section 1624 of the Civil Code is applied.

CHAPTER 721

An act to amend Section 3216 of the Fish and Game Code, relating to shooting requirements of domesticated game mammals.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3216 of the Fish and Game Code is amended to read:

3216. All domesticated game birds sold under the provisions of this article, shall be killed otherwise than by shooting. Domesticated game mammals to be sold under the provisions of this article may be killed by shooting by the owner or his employee. This section does not apply to licensed pheasant clubs or to the training or practice of hunting dogs.

CHAPTER 722

An act to amend Section 117g of the Code of Civil Procedure, relating to small claims court.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. A person as a trustee in bankruptcy or a holder of a conditional sales contract described in Section 117f may file or prosecute a claim in a small claims court in the same manner as any other claimant or plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or, with the permission of the court, at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

SEC. 1.3. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. A person as a trustee in bankruptcy may file or prosecute a claim in a small claims court in the same manner as any other claimant or plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or, with the permission of the court, at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

SEC. 1.5. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court, except that any defendant in an unlawful detainer action brought in such court may have his defense filed and prosecuted by or may be assisted by a lay representative of his choice. A person described in subdivision (a), (b), or (c) of Section 117f may file or prosecute a claim in a small claims court in the same manner as any other claimant or

plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or, with the permission of the court, at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

SEC. 1.7. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court, except that any defendant in an unlawful detainer action brought in such court may have his defense filed and prosecuted by or may be assisted by a lay representative of his choice. A person described in Section 117f may file or prosecute a claim in a small claims court in the same manner as any other claimant or plaintiff. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or, with the permission of the court, at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

SEC. 2. Except as otherwise provided in Section 4 of this act, it is the intent of the Legislature, if the amendments to Section 117g of the Code of Civil Procedure proposed by both this bill and Senate Bill No. 655 are enacted, that both amendments be given effect and incorporated into Section 117g in the form set forth in Section 1.3 of this act. Therefore, in the event S.B. 655 is enacted and amends Section 117g, Section 1.3 of this act shall become operative at the same time that Section 117g as amended by S.B. 655 becomes operative, and, at that time, Section 117g as amended by Section 1 of this act is repealed.

SEC. 3. Except as otherwise provided in Section 4 of this act, it is the intent of the Legislature, if the amendments to

Section 117g of the Code of Civil Procedure proposed by both this bill and Senate Bill No. 1336 are enacted, that both amendments be given effect and incorporated into Section 117g in the form set forth in Section 1.5 of this act. Therefore, in the event S.B. 1336 is enacted and amends Section 117g, Section 2.5 of this act shall become operative at the same time that Section 117g as amended by S.B. 1336 becomes operative, and, at that time, Section 117g as amended by Section 1 of this act is repealed.

SEC. 4. It is the intent of the Legislature, if amendments to Section 117g of the Code of Civil Procedure proposed by this bill, Senate Bill No. 655 and Senate Bill No. 1336 are enacted, that all amendments be given effect and incorporated into Section 117g in the form set forth in Section 1.7 of this act. Therefore, in the event S.B. 655 and S.B. 1336 both are enacted and amend Section 117g, Section 1.7 of this act shall become operative at the same time that Section 117g as amended by S.B. 655 and S.B. 1336 becomes operative, and at that time, Section 117g as amended by Sections 1, 1.3, and 1.5 of this act is repealed.

CHAPTER 723

An act to amend and renumber Sections 987a and 987b of, and to add Section 987.4 to, the Penal Code, relating to appointed counsel.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 987a of the Penal Code is amended and renumbered to read:

987.2. In any case in which a person, including a person who is a minor, desires but is unable to employ counsel and in which counsel is assigned in the superior court, municipal court, or justice court to represent such a person in a criminal trial, proceeding or appeal, such counsel, in a county or city and county in which there is no public defender, or in a case in which the court finds that because of conflict of interest or other reasons the public defender has properly refused to represent the person accused, shall receive a reasonable sum for compensation and for necessary expenses, the amount of which shall be determined by the court, to be paid out of the general fund of the county.

The board of supervisors may by contract provide that any public defender duly appointed or elected may charge reasonable fees to the Department of Corrections for representing inmates of prisons under its control, and the Department of Corrections may upon approval by the court pay such fees into the county treasury to be placed in the general fund of the county.

Counsel shall be appointed to represent, in the municipal or justice court, a person who desires but is unable to employ counsel, when it appears that such appointment is necessary to provide an adequate and effective defense for defendant.

SEC. 2. Section 987.4 is added to the Penal Code, to read:

987.4. When the public defender or an assigned counsel represents a person who is a minor in a criminal proceeding, at the expense of a county, the court may order the parent or guardian of such minor to reimburse the county for all or any part of such expense, if it determines that the parent or guardian has the ability to pay such expense.

SEC. 3. Section 987b of the Penal Code is amended and renumbered to read:

987.6. (a) From any state moneys made available to it for such purpose, the Department of Finance shall, pursuant to this section, pay to the counties an amount not to exceed 10 percent of the amounts actually expended by the counties in providing counsel in accordance with the law whether by public defender, assigned counsel, or both, for persons charged with violations of state criminal law or involuntarily detained under the Lanterman-Petris-Short Act, Division 5 (commencing with Section 5000) of the Welfare and Institutions Code, who desire, but are unable to afford, counsel.

(b) Application for payment shall be made in such manner and at such times as prescribed by the Department of Finance and the department may adopt rules necessary or appropriate to carry out the purposes of this section.

CHAPTER 724

An act to add Section 22825.6 to the Government Code, relating to employees' health benefits.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22825.6 is added to the Government Code, to read:

22825.6. Notwithstanding Section 22825, the contribution of an employer which is a contracting agency shall be the amount fixed from time to time by resolution of the governing body of the agency but shall not be less than the amount required under Section 22825. The resolution shall be filed with the board and the contribution fixed by the legislative body of the contracting agency shall be effective on the first day of the second month following the month in which the resolution is received in the office of the board.

CHAPTER 725

An act to amend Sections 1812.10 and 2984.4 of the Civil Code, to amend Section 396a of, and to add Section 585.5 to, the Code of Civil Procedure, relating to jurisdiction.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1812.10 of the Civil Code is amended to read:

1812.10. An action on a contract or installment account under the provisions of this chapter shall be tried in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the city and county or judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action or in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property, then such court is the proper court for the trial of such action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the trial thereof.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. Such facts may be stated in a verified complaint and shall not be stated on information or belief. If a plaintiff fails to file the affidavit or state facts in a verified complaint required by this section, the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice.

SEC. 2. Section 2984.4 of the Civil Code is amended to read:

2984.4. An action on a contract under the provisions of this chapter shall be tried in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the motor vehicle purchased pursuant to such contract is permanently garaged.

If within any such county there is a municipal or justice court, having jurisdiction of the subject matter, established in the judicial district in which the contract was in fact signed by the buyer, or in which the buyer resided at the time the contract was entered into, or in which the buyer resides at the commencement of the action, or in which the motor vehicle purchased pursuant to such contract is permanently garaged, such court is the proper court for the trial of the action. Otherwise, any municipal or justice court in such county, having jurisdiction of the subject matter, is the proper court for the trial of the action.

In any action subject to the provisions of this section, concurrently with the filing of the complaint, the plaintiff shall file an affidavit stating facts showing that the action has been commenced in a county or judicial district described in this section as a proper place for the trial of the action. Such facts may be stated in a verified complaint and shall not be stated on information or belief. If a plaintiff fails to file the affidavit or state facts in a verified complaint required by this section, the court shall, upon its own motion or upon motion of any party, dismiss any such action without prejudice.

SEC. 3. Section 396a of the Code of Civil Procedure is amended to read:

396a. In all actions and proceedings commenced in a justice or municipal court which are within the subject matter jurisdiction of justice courts, or are subject to the provisions of Sections 1812.10 and 2984.4 of the Civil Code, plaintiff shall state facts in the complaint, verified by his oath, or the oath of his attorney, or in an affidavit of the plaintiff or of his attorney filed with the complaint, showing that the action has been commenced in the proper court for the trial of such action or proceeding, and showing that the action is or is not subject to the provisions of Sections 1812.10 and 2984.4 of the Civil Code. When such affidavit is filed with the complaint, a copy thereof must be served with the summons. Except as herein provided, if such complaint or affidavit be not so filed, no further proceedings shall be had in the action or proceeding, except to dismiss the same without prejudice. However, the court may, on such terms as may be just, permit such affidavit to be filed subsequent to the filing of the complaint, and a copy of such affidavit shall be served on the defendant and the time to answer or otherwise plead shall date from such service. If it appears from such complaint or affidavit, or otherwise, that the court in which such action or proceeding is commenced is not the proper court for the trial thereof, the court in which such action or proceeding is commenced, or a judge thereof, shall, whenever such fact appears, transfer it to such proper court, on its own motion, or on motion of the defendant, unless the defendant consents in writing, or in open court (such consent in open court being entered in the minutes or docket of the court), to the keeping of the action or proceeding in the court where commenced. If such consent be given, the action

or proceeding may continue in the court where commenced. Notwithstanding the provisions of Section 1801.1 and subdivision (f) of Section 2983.7 of the Civil Code, such consent may be given by a defendant who is represented by counsel at the time the consent is given. In any such case where the transfer of the action or proceeding is ordered under the provisions of this paragraph, if summons is served prior to the filing of such action or proceeding in the court to which it is transferred, as to any defendant, so served, who has not appeared in the action or proceeding, the time to answer or otherwise plead shall date from service upon such defendant of written notice of such filing.

When it appears from such complaint or affidavit of the plaintiff that the court in which such action or proceeding is commenced is a proper court for the trial thereof, all proper proceedings may be had, and the action or proceeding may be tried therein; provided, however, that in such case a motion for a transfer of the action or proceeding may be made as in other cases, within the time, upon the grounds, and in the manner provided in this title, and if upon such motion it appears that such action or proceeding is not pending in the proper court, or should for other cause be transferred, the same shall be ordered transferred as provided in this title.

When any such action or proceeding is ordered transferred as herein provided, proceedings shall be had, and the costs and fees shall be paid, as provided in Sections 398 and 399 of this code.

SEC. 4. Section 585.5 is added to the Code of Civil Procedure, to read:

585.5. Every application to enter default under subdivision 1 of Section 585 shall include or be accompanied by an affidavit stating facts showing that the action is or is not subject to the provisions of Section 1812.10 or 2984.4 of the Civil Code.

SEC. 5. This act shall apply to actions commenced on or after January 1, 1971.

CHAPTER 726

An act to amend Section 284 of the Elections Code, relating to elections.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 284 of the Elections Code is amended to read:

284. Any person having charge of affidavits of registration is guilty of a misdemeanor who:

(a) Neglects or refuses to make all the entries provided for in this article.

(b) Neglects or refuses to take the oath of the elector applying to him for registration.

(c) Knowingly registers a nonexistent person.

(d) Knowingly registers a person under a false name or address.

(e) Knowingly registers a person who is ineligible to register.

(f) Fails or neglects to comply with any provision of this article.

Each and every act or omission constitutes a separate misdemeanor.

CHAPTER 727

An act to amend Section 3505 of the Government Code, relating to public employer-employee relations.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3505 of the Government Code is amended to read:

3505. The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of such recognized employee organizations, as defined in subdivision (b) of Section 3501, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action.

"Meet and confer in good faith" means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer within a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation.

CHAPTER 728

An act relating to the conservation of open space lands, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding any other provision of law to the contrary, the assessment procedures specified under Sec-

tion 423 of the Revenue and Taxation Code shall be effective with respect to land subject to taxation for the 1970-1971 fiscal year, if such land is subject to an instrument meeting the requirements of Section 422 of the Revenue and Taxation Code and such instrument is signed and recorded on or before May 25, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some instruments duly executed and received by counties were inadvertently not recorded until the Monday following the date said instruments were required to be of record. Some counties and cities have inadvertently failed to file the instruments reflecting the true status of property as being eligible for the assessment authorized by the Constitution for open space lands, and in some cases negotiations to sign such instruments were not completed by the lien date in 1970, making it necessary to have this act take effect immediately to provide relief this year.

CHAPTER 729

An act to amend Section 31781.3 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31781.3 of the Government Code is amended to read:

31781.3. The surviving spouse of a member who dies in service after five years of service or as a result of service-connected injury or disease may elect, in lieu of the death benefit in Section 31781 or the life annuity provided in Section 31781.1 or 31787, the following combined benefit:

(a) An amount, provided from contributions by the county or district, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of service under the system, but not to exceed 50 percent of such annual compensation, plus

(b) A monthly allowance as provided in Section 31781.1 or 31787 reduced by a monthly amount which is the actuarial equivalent of the amount in subdivision (a) as applied to the life of the surviving spouse.

CHAPTER 730

An act to add Division 10.9 (commencing with Section 11990) to the Health and Safety Code, relating to ingredients.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Division 10.9 (commencing with Section 11990) is added to the Health and Safety Code, to read:

DIVISION 10.9. METHYLAMINE AND
PHENYLACETONE

11990. Any person who possesses both methylamine and phenyl-2-propanone (phenylacetone) at the same time with the intent to manufacture methamphetamine is guilty of a felony and shall be punished by imprisonment in the state prison for not less than one year nor more than five years.

The provisions of this section shall not apply to drug manufacturers licensed by this state or persons authorized by regulation of the California State Board of Pharmacy to possess both methylamine and phenyl-2-propanone (phenylacetone).

11991. The California State Board of Pharmacy shall, by regulation, authorize such persons to possess both methylamine and phenylacetone at the same time as it determines need and will use both methylamine and phenylacetone for a lawful purpose.

CHAPTER 731

An act to add Section 29334 to the Government Code, relating to county revolving funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29334 is added to the Government Code, to read:

29334. The board of supervisors in any county having a population of over 6,000,000 may, in addition to any other revolving fund, establish a revolving fund to be used by the director of the county department established for the administration of aid and services provided pursuant to Division 9 (commencing with Section 10000) of the Welfare and Institutions Code. Such revolving fund shall be for the purpose of administering payments to meet the immediate or emergent needs of persons entitled to aid or services under the provisions of Division 9 of the Welfare and Institutions Code, and

may be fixed by the board of supervisors in an amount sufficient to enable the director of the county department to meet the immediate and emergent needs of the persons entitled thereto. In all other respects, the provisions of this article shall apply to the revolving fund provided for in this section.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Regulations of the California State Department of Social Welfare require that the immediate needs of applicants for categorical aid be met by the county administering the program. It is necessary that this act take effect immediately in counties of this size with large numbers of welfare recipients so that said emergent needs may be provided in accordance with state requirements.

CHAPTER 732

An act to amend Section 33704 of the Agricultural Code, relating to milk and milk products.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 33704 of the Agricultural Code is amended to read:

33704. The provisions of Sections 33701, 33731, 33732, 33733, 33734, 33767, 33768, 33770, 33771, 33776, and 34593 do not apply to the manufacture of a milk drink if such product is manufactured from milk drink mix or sterilized milk drink mix, or to ice cream which is manufactured from ice cream mix, or to ice milk which is manufactured from ice milk mix, if such products are manufactured in a freezing device from which such products are served directly in a semi-frozen state, without packaging of any type, for consumption on the premises in or from rooms where food is served to the public.

All such mixes so used shall be secured from a licensed manufacturer of milk products.

The director may by agreement with any approved milk inspection service, authorize such service to inspect and enforce Agricultural Code requirements applicable to the establishments covered by this section. Any such agreement shall provide that the approved inspection service shall collect the applicable license fee for such establishments as provided in Section 35221. The fees so collected shall be retained by the approved service to cover its cost of enforcement, provided that 25 percent of the fees collected shall be remitted to the director to cover his cost of administration.

CHAPTER 733

An act to amend Section 13353 of the Vehicle Code, relating to chemical tests.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to or complete such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine, and he shall be advised by the officer that he has such choice. If the person arrested either is incapable, or states that he is incapable, of completing any chosen test, he shall then have the choice of submitting to and completing any of the remaining tests or test, and he shall be advised by the officer that he has such choice.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to or complete the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to, or fails to complete, a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to, or failed to complete, the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article

3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to, or failed to complete, the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to, or failed to complete, the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

SEC. 2. Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable

cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to or complete such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine, and he shall be advised by the officer that he has such choice. If the person arrested either is incapable, or states that he is incapable, of completing any chosen test, he shall then have the choice of submitting to and completing any of the remaining tests or test, and he shall be advised by the officer that he has such choice.

Such person shall also be advised by the officer that he does not have the right to have an attorney present before stating whether he will submit to a test, before deciding which test to take, or during administration of the test chosen.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to or complete the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to, or fails to complete, a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to, or failed to complete, the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to, or failed to complete, the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to, or failed to complete, the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

SEC. 3. It is the intent of the Legislature, if amendments to Section 13353 of the Vehicle Code proposed by both this bill and Senate Bill No. 241 are enacted, that both amendments be given effect and incorporated in Section 13353 in the form set forth in Section 2 of this act. Therefore, in the event Senate Bill No. 241 is enacted and amends Section 13353, Section 2 of this act shall become operative at the same time that Section 13353 as amended by Senate Bill No. 241 becomes operative, and at that time, Section 13353 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 734

An act to amend Sections 24356 and 24356.2 of, and to add Section 24356.5 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24356 of the Health and Safety Code is amended to read:

24356. The board shall appoint a Bay Area Air Pollution Control Advisory Council to advise and consult with the board and the control officer in effectuating the purposes of this chapter. The council shall consist of the chairman of the board, who shall serve as an ex officio member, and 20 members who preferably are skilled and experienced in the field of air pollution, including at least three representatives of public health agencies, including at least four representatives of private organizations active in conservation or protection of the environment within the district, and including at least one representative of colleges or universities in the state and at least one representative of each of the following groups within the district: regional park district, park and recreation commissions or equivalent agencies of any city, mass public transportation system, agriculture, industry, community planning, transportation, registered professional engineers, general contractors, architects, and organized labor. To the extent that suitable persons cannot be found for each of the aforementioned categories, council members may be appointed from the general public.

Commencing January 1, 1971, each member shall hold office for a term of two years and until the appointment and qualification of his successor. Council members holding office on January 1, 1971, shall begin a new term of office commencing on January 1, 1971. Any vacancy on the council shall be filled by appointment in the same manner as the vacating member was appointed, except that the member appointed to fill the vacancy shall only serve the unexpired term of the vacating member.

SEC. 2. Section 24356.2 of the Health and Safety Code is amended to read:

24356.2. Council members shall serve without compensation but may be allowed actual expenses incurred in the discharge of their duties. The council shall meet as frequently as the directors or the council deem necessary, but not less than four times a year.

SEC. 3. Section 24356.5 is added to the Health and Safety Code, to read:

24356.5. Any member of the council may be removed at any time by the majority vote of the board.

CHAPTER 735

An act to amend Section 232 of the Civil Code, relating to abandoned children.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left without provision for his identification by his parent or parents or by others or has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for a period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide identification, failure to provide, or failure to communicate for a period of six months shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 16000 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody for the period of one year prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that

ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

(g) Whose parent or parents are, and will remain incapable of supporting or controlling the child in a proper manner because of mental deficiency or mental illness, if there is testimony to this effect from two medical examiners certified under Section 5000 of the Welfare and Institutions Code. The parent or parents shall be cited to be present at the hearing, and if he or they have no attorney, the judge shall appoint an attorney or attorneys to represent the parent or parents and fix the compensation to be paid by the county for such services, if he determines the parent or parents are not financially able to employ counsel.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

CHAPTER 736

An act to add Sections 27503.1, 27503.2, 27503.3 and 27503.4 to the Education Code; to add Sections 34323.1, 34323.2, 34323.3, 34323.4, 35124.1, 35124.2, 35124.3, 35124.4, 35252.1, 35252.2, 35252.3, 35252.4, 35277.1, 35277.2, 35277.3, 35277.4, 35503.1, 35503.2, 35503.3, 35503.4, 35709.1, 35709.2, 35709.3, 35709.4, 54794.1, 56119, 56120, 56121, 56122, 56254, 61122.1, 61122.2, 61122.3 and 61122.4 to the Government Code; to add Sections 6037.1, 6037.2, 6037.3, 6037.4, 7033.1, 7033.2, 7033.3, and 7033.4 to the Harbors and Navigation Code; to add Sections 4111.1, 4111.2, 4111.3, 4111.4, 4716.1, 4716.2, 4716.3, 4716.4, 6461.1, 6461.2, 6461.3, 6461.4, 8934.1, 8934.2, 8934.3, 8934.4, 13826, 13827, 13828, 13829, 20040.1, 20040.2, 20040.3, 20040.4, 32002.31, 32002.32, 32002.33, and 32002.34 to the Health and Safety Code; to add Sections 1180.1, 1180.2, 1180.3 and 1180.4 to the Military and Veterans Code; to add Sections 5517.1, 5517.2, 5517.3, 5517.4, 5781.31, 5781.32, 5781.33 and 5781.34 to the Public Resources Code; to add Sections 11643.1, 11643.2, 11643.3, 11643.4, 15762.1, 15762.2, 15762.3, 15762.4, 22229.1, 22229.2, 22229.3, and 22229.4 to the Public Utilities Code; to add Sections 20893,

20894, 20895, 20896, 30293.1, 30293.2, 30293.3, 30293.4, 34402.1, 34402.2, 34402.3, 34402.4, 55184.1, 55184.2, 55184.3, 55184.4, 56018.1, 56018.2, 56018.3, 56018.4, 70041.1, 70041.2, 70041.3, 70041.4, 71163.1, 71163.2, 71163.3, and 71163.4 to the Water Code, relating to elections.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27503.1 is added to the Education Code, to read:

27503.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 2. Section 27503.2 is added to the Education Code, to read:

27503.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 3. Section 27503.3 is added to the Education Code, to read:

27503.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election

officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 4. Section 27503.4 is added to the Education Code, to read:

27503.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 5. Section 34323.1 is added to the Government Code, to read:

34323.1. Within five days after the board of supervisors has called an election in the proposed city to determine whether it is to become incorporated, the board shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which the proposed district is located. Such written notice shall include the name and a description of the boundaries of proposed city, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the incorporation election.

The executive officer, within five days after being notified that a city incorporation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed city incorporation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the city proposed to be organized.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the incorporation election.

SEC. 6. Section 34323.2 is added to the Government Code, to read:

34323.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the city incorporation proposition, or any combination of such voters and association of citizens, may file a written argument for or a written argument against the proposed city incorporation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the incorporation election.

SEC. 7. Section 34323.3 is added to the Government Code, to read:

34323.3. If more than one argument for or more than one argument against the proposed incorporation is filed with the election officials within the time prescribed in Section 34323.2 such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide association of citizens or a combination of such voters and associations.

SEC. 8. Section 34323.4 is added to the Government Code, to read:

34323.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the city incorporation proposition to be voted on, to be printed and mailed to each voter entitled to vote on the incorporation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed city incorporation.

(d) The argument against the proposed city incorporation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the city incorporation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 9. Section 35124.1 is added to the Government Code, to read:

35124.1. Within five days after a special election is called pursuant to Section 35122, the city legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which the city is located. Such written notice shall include the name of the annexing city and a description of the boundaries of the

territory proposed to be annexed. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the annexation election.

The executive officer, within five days after being notified that an annexation election has been called pursuant to Section 35122, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed annexation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory proposed to be annexed.

The local agency formation, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the city clerk.

SEC. 10. Section 35124.2 is added to the Government Code, to read:

35124.2. The city legislative body or any member or members of the legislative body authorized by the legislative body, or any individual voter or bona fide association of citizens entitled to vote on the annexation proposition, or any combination of such voters and association of citizens may file a written argument for or a written argument against the proposed annexation.

Arguments shall not exceed 300 words in length and shall be filed with the city clerk not less than 54 days prior to the date of the election.

SEC. 11. Section 35124.3 is added to the Government Code, to read:

35124.3. If more than one argument for or more than one argument against the proposed annexation is filed with the city clerk within the time prescribed in Section 35124.2, the city clerk shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) The city legislative body or any member or members of the body authorized by the body.

(b) Individual voters or bona fide association of citizens or a combination of voters and associations.

SEC. 12. Section 35124.4 is added to the Government Code, to read:

35124.4. The city clerk shall cause a ballot pamphlet concerning the annexation proposition to be printed and mailed to each voter entitled to vote on the annexation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition to be voted on.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed annexation.

(d) The argument against the proposed annexation.

The city clerk shall mail a ballot pamphlet to each voter entitled to vote in the annexation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 13. Section 35252.1 is added to the Government Code, to read:

35252.1. Within five days after a special election is called pursuant to Section 35251, the legislative body of the city from which territory is proposed to be excluded, shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which city proposing to exclude territory is located. Such written notice shall include the names of both the city proposing to exclude the territory and the city proposing to annex the territory. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the election.

The executive officer, within five days after being notified that an election has been called pursuant to Section 35251, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed transfer of territory.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory proposed to be altered.

The local agency formation commission shall, within five days after the receipt of the executive officer's analysis approve or modify the analysis and submit it to the city clerk of the city from which the territory is proposed to be excluded.

SEC. 14. Section 35252.2 is added to the Government Code, to read:

35252.2. The city legislative body of either the city from which the territory is proposed to be excluded, or the city to which the territory is proposed to be annexed, or any member or members of such legislative bodies authorized by the legislative bodies, or any individual voter or bona fide association of citizens entitled to vote on the proposed boundary alteration, or any combination of such voters and association of citizens, may file a written argument for or a written argument against the proposed boundary alteration.

Arguments shall not exceed 300 words in length and shall be filed with the city clerk of the city from which the territory is proposed to be excluded not less than 54 days prior to the date of the election.

SEC. 15. Section 35252.3 is added to the Government Code, to read:

35252.3. If more than one argument for or more than one argument against the proposed boundary alteration is submitted to the city clerk within the time prescribed in Section

35252.2, the city clerk shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) Either city legislative body or any member or members thereof authorized by the appropriate legislative body.

(b) Individual voters or bona fide association of voters or a combination of such voters and associations.

SEC. 16. Section 35252.4 is added to the Government Code, to read:

35252.4. The city clerk of the city from which the territory is proposed to be excluded shall cause a ballot pamphlet concerning the proposed boundary alteration to be voted on to be printed and mailed to each voter entitled to vote on the alteration question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition to be voted on.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed boundary alteration.

(d) The argument against the proposed boundary alteration.

The city clerk shall mail the ballot pamphlet to each voter entitled to vote in the boundary alteration election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 17. Section 35277.1 is added to the Government Code, to read:

35277.1. Within five days after a special election is called pursuant to Section 35277, the legislative body of the city from which territory is proposed to be transferred shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which the cities are located. Such written notice shall include the names of both the city from which the territory is proposed to be transferred and the city to which the territory is proposed to be transferred. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the election.

The executive officer, within five days after being notified that an election has been called, pursuant to Section 35277, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed transfer of territory.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory proposed to be transferred.

The local agency formation commission shall, within five days after the receipt of the executive officer's analysis, approve or modify the analysis and submit it to the city clerk of the city from which the territory is proposed to be transferred.

SEC. 18. Section 35277.2 is added to the Government Code, to read:

35277.2. The city legislative body of either the city from which the territory is proposed to be transferred or the city to which the territory is proposed to be transferred or any member or members of such legislative bodies authorized by the appropriate legislative body, or any individual voter or bona fide association of citizens entitled to vote on the proposed territory transfer, or any combination of such voters and association of citizens may file a written argument for or a written argument against the proposed transfer.

Arguments shall not exceed 300 words in length and shall be filed with the city clerk of the city from which the territory is proposed to be transferred not less than 54 days prior to the election.

SEC. 19. Section 35277.3 is added to the Government Code, to read:

35277.3. If more than one argument for or more than one argument against the proposed transfer of territory is submitted to the city clerk within the time prescribed in Section 35277.2, the city clerk shall select one of the arguments for printing and distribution to the voters.

In selecting the argument the city clerk shall give preference and priority in the order named to the arguments in the following:

(a) Either city legislative body or any member or members thereof authorized by the appropriate body.

(b) Individual voters or bona fide association of citizens or a combination of such voters or associations.

SEC. 20. Section 35277.4 is added to the Government Code, to read:

35277.4. The city clerk of the city from which the territory proposed to be transferred shall cause a ballot pamphlet concerning the transfer of territory proposition to be voted on to be printed and mailed to each voter entitled to vote on the transfer of territory question.

The ballot pamphlets shall contain the following in the order prescribed:

(a) The complete text of the proposition to be voted on.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed transfer of territory.

(d) The argument against the proposed transfer of territory.

The city clerk of the city from which the territory is proposed to be transferred shall mail the sample ballot to each voter entitled to vote in the proposed territory transfer elec-

tion at least 10 days prior to the day of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 21. Section 35503.1 is added to the Government Code, to read:

35503.1. Within five days after a special election is called pursuant to Section 35501, the city legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county in which the city is located. Such written notice shall include the name of the city from which territory is proposed to be excluded and a description of the territory proposed to be excluded. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the election.

The executive officer, within five days after being notified that an election has been called pursuant to Section 35501, shall submit to the commission, for its approval or modification, an impartial analysis of the exclusion proposition.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory proposed to be excluded.

The local agency formation commission shall, within five days after receipt of the executive officer's analysis, approve or modify the analysis and submit it to the city clerk.

SEC. 22. Section 35503.2 is added to the Government Code, to read:

35503.2. The city legislative body or any member or members of the legislative body authorized by the legislative body, or any individual voter or bona fide association of voters entitled to vote on the exclusion proposition, or any combination of such voters or association of voters may file a written argument for or a written argument against the proposed exclusion of territory.

Arguments shall not exceed 300 words in length and shall be filed with the city clerk not less than 54 days prior to the date of the election.

SEC. 23. Section 35503.3 is added to the Government Code, to read:

35503.3. If more than one argument for or more than one argument against the proposed exclusion is filed with the city clerk within the time prescribed, the city clerk shall select one of the arguments for printing and distribution to the voters.

In selecting the argument the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) The city legislative body or any member or members of the legislative body authorized by the body.

(b) Individual voters or bona fide association of voters or a combination of such voters and associations.

SEC. 24. Section 35503.4 is added to the Government Code, to read:

35503.4. The city clerk shall cause a ballot pamphlet concerning the exclusion proposition to be voted on to be printed and mailed to each voter entitled to vote on the exclusion question.

The ballot pamphlet shall contain the following in the order prescribed:

- (a) The complete text of the proposition to be voted on.
- (b) The impartial analysis of the proposition prepared by the local agency formation commission.
- (c) The argument for the proposed exclusion.
- (d) The argument against the proposed exclusion.

The city clerk shall mail the ballot pamphlet to each voter entitled to vote in the exclusion election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 25. Section 35709.1 is added to the Government Code, to read:

35709.1. Within five days after a special election is called pursuant to Section 35705, the city legislative body which has called the election shall transmit, by registered mail, written notification of the election call to the executive officer of the local agency formation commission of the county in which the consolidating cities are located. Such written notice shall include the name of the cities which propose to consolidate. Written notice required by this section may be made in the form of a certified copy of the resolution adopted by the city legislative body calling the election.

The executive officer, within five days after being notified that an election has been called pursuant to Section 35705, shall submit to the commission, for its approval or modification, an impartial analysis of the consolidation proposition.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the territory to be consolidated.

The local agency formation commission shall within five days after receipt of the executive officer's analysis approve or modify the analysis and submit it to the city clerk of the consolidating city.

SEC. 26. Section 35709.2 is added to the Government Code, to read:

35709.2. The legislative body of either city or any member or members of such legislative bodies authorized by their respective body, or any individual voter or association of citizens entitled to vote on the consolidation proposition, or any combination of such voters and associations, may submit a written argument for or a written argument against the proposed consolidation.

Arguments shall not exceed 300 words in length and shall be filed with the city clerk of the consolidating city not less than 54 days prior to the date of the election.

SEC. 27. Section 35709.3 is added to the Government Code, to read:

35709.3. If more than one argument for or more than one argument against the proposed consolidation is filed with the city clerk in the time prescribed in Section 35709.2, the city clerk shall select one of the arguments for printing and distribution to the voters.

In selecting the argument the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) The legislative body of either city or any member or members of such legislative bodies authorized by their respective body.

(b) Individual voters or bona fide association of citizens or a combination of such voters and associations.

SEC. 28. Section 35709.4 is added to the Government Code, to read:

35709.4. The city clerk of the consolidating city shall cause a ballot pamphlet to be printed and mailed to each voter entitled to vote on the consolidation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition to be voted on.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed consolidation.

(d) The argument against the proposed consolidation.

The city clerk shall mail the ballot pamphlet to each voter entitled to vote in the consolidation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 29. Section 54794.1 is added to the Government Code, to read:

54794.1. Whenever the executive officer is required by law to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by rule, provide a procedure for approval or modification of the executive officer's analysis.

SEC. 30. Section 56119 is added to the Government Code, to read:

56119. Within five days after an election is called pursuant to this division, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the district is located. Such written notice shall include a description of the territory affected by the election and may

be made in the form of a certified copy of the resolution adopted by the legislative body calling the election.

The executive officer, within five days after being notified that an election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of each question submitted at the election.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the territory which the question to be voted on involves.

The local agency formation commission, within five days after receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the election.

SEC. 31. Section 56120 is added to the Government Code, to read:

56120. The board of directors of the district or any member or members of the board authorized by the board, or any individual voter, or bona fide association of citizens entitled to vote on the question, or any combination of such voters or association of voters may file a written argument for or a written argument against the question to be submitted to the electors of the district.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the election.

SEC. 32. Section 56121 is added to the Government Code, to read:

56121. If more than one argument for or more than one argument against the question to be voted on is filed with the officials in charge of conducting the election within the time prescribed, such officials shall select one of the arguments for printing and distribution to the voters. In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of directors of the district or any member or members of the board authorized by the board.

(b) Individual voters or bona fide association of citizens or a combination of voters and associations.

SEC. 33. Section 56122 is added to the Government Code, to read:

56122. The election officials shall cause a ballot pamphlet concerning the proposed questions to be voted on to be printed and mailed to each voter entitled to vote on the question.

The ballot pamphlet shall contain for each question to be voted on the following in the order prescribed:

(a) The complete text of the question to be voted on.

(b) The impartial analysis of the question prepared by the local agency formation commission.

(c) The argument for the question.

(d) The argument against the question.

The election officials shall mail a ballot pamphlet to each voter entitled to vote on the question at least 10 days prior to

the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 33.5. Section 56254 is added to the Government Code, to read:

56254. Whenever the executive officer is required pursuant to this division to prepare an impartial analysis of a ballot proposition for approval by the commission, the commission may, by rule, provide a procedure for approval or modification of the executive officer's analysis.

SEC. 34. Section 61122.1 is added to the Government Code, to read:

61122.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 35. Section 61122.2 is added to the Government Code, to read:

61122.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 36. Section 61122.3 is added to the Government Code, to read:

61122.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election

officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 37. Section 61122.4 is added to the Government Code, to read:

61122.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 38. Section 6037.1 is added to the Harbors and Navigation Code, to read:

6037.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 39. Section 6037.2 is added to the Harbors and Navigation Code, to read:

6037.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 40. Section 6037.3 is added to the Harbors and Navigation Code, to read:

6037.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 41. Section 6037.4 is added to the Harbors and Navigation Code, to read:

6037.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 42. Section 7033.1 is added to the Harbors and Navigation Code, to read:

7033.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county

in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

Sec. 43. Section 7033.2 is added to the Harbors and Navigation Code, to read:

7033.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

Sec. 44. Section 7033.3 is added to the Harbors and Navigation Code, to read:

7033.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

Sec. 45. Section 7033.4 is added to the Harbors and Navigation Code, to read:

7033.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 46. Section 4111.1 is added to the Health and Safety Code, to read:

4111.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 47. Section 4111.2 is added to the Health and Safety Code, to read:

4111.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 48. Section 4111.3 is added to the Health and Safety Code, to read:

4111.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 49. Section 4111.4 is added to the Health and Safety Code, to read:

4111.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 50. Section 4716.1 is added to the Health and Safety Code, to read:

4716.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 51. Section 4716.2 is added to the Health and Safety Code, to read:

4716.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 52. Section 4716.3 is added to the Health and Safety Code, to read:

4716.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 53. Section 4716.4 is added to the Health and Safety Code, to read:

4716.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 54. Section 6461.1 is added to the Health and Safety Code, to read:

6461.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall

include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 55. Section 6461.2 is added to the Health and Safety Code, to read:

6461.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 56. Section 6461.3 is added to the Health and Safety Code, to read:

6461.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 57. Section 6461.4 is added to the Health and Safety Code, to read:

6461.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 58. Section 8934.1 is added to the Health and Safety Code, to read:

8934.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 59. Section 8934.2 is added to the Health and Safety Code, to read:

8934.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 60. Section 8934.3 is added to the Health and Safety Code, to read:

8934.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 61. Section 8934.4 is added to the Health and Safety Code, to read:

8934.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 62. Section 13826 is added to the Health and Safety Code, to read:

13826. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 63. Section 13827 is added to the Health and Safety Code, to read:

13827. The board of supervisors or any member or members of the board authorized by the board, or any individual

voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 64. Section 13828 is added to the Health and Safety Code, to read:

13828. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 65. Section 13829 is added to the Health and Safety Code, to read:

13829. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 66. Section 20040.1 is added to the Health and Safety Code, to read:

20040.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may

be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 67. Section 20040.2 is added to the Health and Safety Code, to read:

20040.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 68. Section 20040.3 is added to the Health and Safety Code, to read:

20040.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 69. Section 20040.4 is added to the Health and Safety Code, to read:

20040.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 70. Section 32002.31 is added to the Health and Safety Code, to read:

32002.31. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 71. Section 32002.32 is added to the Health and Safety Code, to read:

32002.32. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 72. Section 32002.33 is added to the Health and Safety Code, to read:

32002.33. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 73. Section 32002.34 is added to the Health and Safety Code, to read:

32002.34. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 74. Section 1180.1 is added to the Military and Veterans Code, to read:

1180.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 75. Section 1180.2 is added to the Military and Veterans Code, to read:

1180.2. The board of supervisors or any member or members of the board authorized by the board, or any individual

voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 76. Section 1180.3 is added to the Military and Veterans Code, to read:

1180.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 77. Section 1180.4 is added to the Military and Veterans Code, to read:

1180.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 78. Section 5517.1 is added to the Public Resources Code, to read:

5517.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may

be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 79. Section 5517.2 is added to the Public Resources Code, to read:

5517.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 80. Section 5517.3 is added to the Public Resources Code, to read:

5517.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 81. Section 5517.4 is added to the Public Resources Code, to read:

5517.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 82. Section 5781.31 is added to the Public Resources Code, to read:

5781.31. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 83. Section 5781.32 is added to the Public Resources Code, to read:

5781.32. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 84. Section 5781.33 is added to the Public Resources Code, to read:

5781.33. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 85. Section 5781.34 is added to the Public Resources Code, to read:

5781.34. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 86. Section 11643.1 is added to the Public Utilities Code, to read:

11643.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 87. Section 11643.2 is added to the Public Utilities Code, to read:

11643.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument

for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 88. Section 11643.3 is added to the Public Utilities Code, to read:

11643.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 89. Section 11643.4 is added to the Public Utilities Code, to read:

11643.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 90. Section 15762.1 is added to the Public Utilities Code, to read:

15762.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit

to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

Sec. 91. Section 15762.2 is added to the Public Utilities Code, to read:

15762.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

Sec. 92. Section 15762.3 is added to the Public Utilities Code, to read:

15762.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

Sec. 93. Section 15762.4 is added to the Public Utilities Code, to read:

15762.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pam-

phlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 94. Section 22229.1 is added to the Public Utilities Code, to read:

22229.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 95. Section 22229.2 is added to the Public Utilities Code, to read:

22229.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 96. Section 22229.3 is added to the Public Utilities Code, to read:

22229.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 97. Section 22229.4 is added to the Public Utilities Code, to read:

22229.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 98. Section 20893 is added to the Water Code, to read:

20893. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 99. Section 20894 is added to the Water Code, to read:

20894. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election

not less than 54 days prior to the date of the district formation election.

SEC. 100. Section 20895 is added to the Water Code, to read:

20895. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 101. Section 20896 is added to the Water Code, to read:

20896. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 102. Section 30293.1 is added to the Water Code, to read:

30293.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 103. Section 30293.2 is added to the Water Code, to read:

30293.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 104. Section 30293.3 is added to the Water Code, to read:

30293.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 105. Section 30293.4 is added to the Water Code, to read:

30293.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 106. Section 34402.1 is added to the Water Code, to read:

34402.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 107. Section 34402.2 is added to the Water Code, to read:

34402.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 108. Section 34402.3 is added to the Water Code, to read:

34402.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 109. Section 34402.4 is added to the Water Code, to read:

34402.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

- (a) The complete text of the proposition.
- (b) The impartial analysis of the proposition prepared by the local agency formation commission.
- (c) The argument for the proposed district formation.
- (d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 110. Section 55184.1 is added to the Water Code, to read:

55184.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 111. Section 55184.2 is added to the Water Code, to read:

55184.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 112. Section 55184.3 is added to the Water Code, to read:

55184.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 113. Section 55184.4 is added to the Water Code, to read:

55184.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 114. Section 56018.1 is added to the Water Code, to read:

56018.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 115. Section 56018.2 is added to the Water Code, to read:

56018.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 116. Section 56018.3 is added to the Water Code, to read:

56018.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 117. Section 56018.4 is added to the Water Code, to read:

56018.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 118. Section 70041.1 is added to the Water Code, to read:

70041.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 119. Section 70041.2 is added to the Water Code, to read:

70041.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 120. Section 70041.3 is added to the Water Code, to read:

70041.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 121. Section 70041.4 is added to the Water Code, to read:

70041.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation

proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

- (a) The complete text of the proposition.
- (b) The impartial analysis of the proposition prepared by the local agency formation commission.
- (c) The argument for the proposed district formation.
- (d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

SEC. 122. Section 71163.1 is added to the Water Code, to read:

71163.1. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

SEC. 123. Section 71163.2 is added to the Water Code, to read:

71163.2. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

SEC. 124. Section 71163.3 is added to the Water Code, to read:

71163.3. If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

SEC. 125. Section 71163.4 is added to the Water Code, to read:

71163.4. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

CHAPTER 737

An act to amend Sections 22053, 22054, 22202, 22210, 22406, 22409, 22457, 22458, 22464, 22466, 22470, 22473, 22475, and 22480 of, to add Sections 22011, 22054.1, 22416, 22451.1, 22458.3, 22458.4, and 22458.5, to, and to repeal Sections 22007 and 22465 of, the Financial Code, relating to personal property brokers.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22007 of the Financial Code is repealed.

SEC. 2. Section 22011 is added to the Financial Code, to read:

22011. "Commercial loan" means any loan in which:

(a) The borrower is a corporation, a general or limited partnership, or a joint venture; or

(b) A substantial part of the security for the loan consists of property used primarily for other than personal, family, or household purposes; or

(c) The borrower is self-employed, on a full- or part-time basis and represents in writing to the lender that a substantial portion of the proceeds of the loan will be used for the purpose of carrying on his business or businesses or acquiring a business or businesses. The lender shall not be required to ascertain that the proceeds of the loan are used in accordance with such representation.

A loan which otherwise qualifies as a commercial loan is not affected by the fact that any person other than the borrower may become or be personally obligated to repay the loan as either a comaker, endorser, or guarantor.

SEC. 3. Section 22053 of the Financial Code is amended to read:

22053. The following sections of this division do not apply to any loan of a bona fide principal amount of ten thousand dollars (\$10,000) or more, or to any commercial loan of a bona fide principal amount of five thousand dollars (\$5,000) or more, or to a duly licensed personal property broker in connection with any such loan or loans, if the provisions of this section are not used for the purpose of evading this division: Sections 22004, 22005, 22404, 22405, 22450, 22451, 22451.1, 22453, 22454, 22455, 22456, 22457, 22458, 22458.1, 22458.2, 22458.3, 22458.4, 22458.5, 22459, 22460, 22461, 22462, 22463, 22464, 22465, 22467, 22468, 22469, 22470, 22472, 22473, 22474, 22480, 22650, 22651, and 22652.

SEC. 4. Section 22054 of the Financial Code is amended to read:

22054. In determining under Section 22053 whether a loan is a loan of a bona fide principal amount of ten thousand dollars (\$10,000) or more and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

(a) If a borrower applies for a loan in a principal amount of less than ten thousand dollars (\$10,000) and a loan to that borrower of a principal amount of ten thousand dollars (\$10,000) or more is made by a licensed personal property broker, and

(1) No adequate economic reason for the increase in the size of the loan exists, and

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than ten thousand dollars (\$10,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodical installments, then the loan shall not be deemed to be a loan of the bona fide principal amount of ten thousand dollars (\$10,000) or more and the provisions of Section 22053 shall be deemed to be used for the purpose of evading this division

unless the loan complies with the provisions of this division relating to loans of less than ten thousand dollars (\$10,000).

(b) An individual advance of money of less than ten thousand dollars (\$10,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensed personal property broker, or a loan agreement providing for the making of advances to the borrower from time to time up to an aggregate maximum amount, shall be deemed to be a loan of a principal amount of ten thousand dollars (\$10,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensed personal property broker after any such advance, including the additional advance, is ten thousand dollars (\$10,000) or more.

(c) If a loan made by a licensed personal property broker is in a principal amount of ten thousand dollars (\$10,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods shall not be deemed to affect the loan or the bona fides of the amount thereof or to indicate that the provisions of Section 22053 are used for the purpose of evading this division. As used herein, "accounts," "chattel paper," "contract rights," "goods" and "instruments" shall have the same meaning as in the Commercial Code.

This section shall be deemed declaratory of existing law and not amendatory thereof.

SEC. 5. Section 22054.1 is added to the Financial Code, to read:

22054.1. In determining under Section 22053 whether a loan is a commercial loan of a bona fide principal amount of five thousand dollars (\$5,000) or more, and whether the provisions of that section are used for the purpose of evading this division, the following principles apply:

(a) If a borrower applies for a loan in a principal amount of less than five thousand dollars (\$5,000), and a loan to that borrower of a principal amount of five thousand dollars (\$5,000) or more is made by a licensee, and

(1) No adequate economic reason for the increase in the size of the loan exists, and

(2) By prearrangement or understanding between the borrower and the licensee a substantial payment is to be made upon the loan with the effect of reducing the principal amount of the loan to less than five thousand dollars (\$5,000) within a short time after the making of the loan other than by reason of a requirement that the loan be paid in substantially equal periodic installments, then the loan shall not be deemed to be a commercial loan of a bona fide principal amount of five thousand dollars (\$5,000) or more and the provisions of Section 22053 shall be deemed to be used for the purpose of evading this division unless the loan complies with the provisions of this division relating to noncommercial loans of less than ten thousand dollars (\$10,000).

(b) An individual advance of money of less than five thousand dollars (\$5,000) pursuant to a revolving loan agreement or similar agreement between a borrower and a licensee, or a loan agreement providing for the making of advances to the borrower from time to time up to an aggregate maximum amount shall be deemed to be a commercial loan of a bona fide principal amount of five thousand dollars (\$5,000) or more if the total unpaid principal amount of all loans owing by the borrower to the licensee after any such advance, including the additional advance, is five thousand dollars (\$5,000) or more.

(c) If a loan made by a licensee is in a principal amount of five thousand dollars (\$5,000) or more, the fact that the transaction is in the form of a sale of accounts, chattel paper, contract rights, goods or instruments or a lease of goods shall not be deemed to affect the loan or the bona fides of the amount thereof or to indicate that the provisions of Section 22053 are used for the purpose of evading this division. As used herein, "accounts," "chattel paper," "contract rights," "goods" and "instruments" shall have the same meaning as in the Commercial Code.

SEC. 6. Section 22202 of the Financial Code is amended to read:

22202. At the time of making the application, the applicant shall pay to the commissioner the sum of one hundred dollars (\$100) as a fee for investigating the application and the additional sum of two hundred dollars (\$200) as an annual license fee for a period terminating on the last day of the current calendar year; provided, that if the license is issued after June 30th in any year the additional sum paid as an annual license fee shall be one hundred dollars (\$100).

SEC. 7. Section 22210 of the Financial Code is amended to read:

22210. If the commissioner finds that any applicant does not possess the requirements specified in this article, he shall, upon reasonable opportunity to be heard, deny the application. Upon the denial of an application, or the withdrawal of an application with the consent of the commissioner, the commissioner shall return to the applicant the bond and the sum paid by the applicant as a license fee, retaining the one hundred dollars (\$100) investigation fee to cover the costs of investigating the application. The application shall be considered withdrawn within the meaning of this section if the applicant fails to respond to a written notification of a deficiency in such application within six months of the date of such notification. The commissioner shall within 60 days from the filing of the application for a license with the fees and the approved bond, either issue a license or file a statement of issues prepared in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, of the Government Code.

SEC. 8. Section 22406 of the Financial Code is amended to read:

22406. Licensees shall keep and use in their business, books, accounts, and records which will enable the commissioner to determine if the licensee is complying with the provisions of this division and with the rules and regulations made by the commissioner. On any loan secured in part by real property in which loan proceeds were disbursed to an independent escrow holder, licensees shall retain records and documents as set forth by rule of the commissioner adopted pursuant to Section 22400.

SEC. 9. Section 22409 of the Financial Code is amended to read:

22409. Beginning with annual reports for the calendar year following the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature, the commissioner shall require that information pertaining to loans be stated separately in the annual report as follows:

(a) For noncommercial loans of a principal amount of less than ten thousand dollars (\$10,000) not secured in part by real property and commercial loans of a principal amount of less than five thousand dollars (\$5,000).

(b) For noncommercial loans of less than ten thousand dollars (\$10,000) secured in part by real property.

(c) For commercial loans of five thousand dollars (\$5,000) or more and noncommercial loans of ten thousand dollars (\$10,000) or more and any other business.

(d) The commissioner may permit information pertaining to expenses in the annual report to be reported in totals by categories without separation as to types of loans, and may make such other rules from time to time as may be necessary to obtain adequate information pertaining to the licensee.

The report shall be made under oath and in the form prescribed by the commissioner.

For the calendar year of the effective date of the amendment of this section enacted at the 1970 Regular Session of the Legislature, annual reports shall be prepared in the form prescribed by the commissioner and shall be made under oath.

SEC. 10. Section 22416 is added to the Financial Code, to read:

22416. A licensed personal property broker may act as a broker as defined in Section 22002 at its licensed place of business without obtaining an additional license as a broker under this division provided the licensee has obtained authority in writing from the commissioner.

The commissioner may grant such authority upon the commissioner's finding that evasions of this division cannot reasonably be expected to occur. An authorization once granted remains in effect until revoked by the commissioner.

SEC. 11. Section 22451.1 is added to the Financial Code, to read:

22451.1. As an alternative to the charges authorized by Section 22451 a licensee may contract for and receive charges

at a rate not exceeding $1\frac{1}{2}$ percent per month on the unpaid principal balance.

SEC. 12. Section 22457 of the Financial Code is amended to read:

22457. No person in connection with or incidental to the making of such loan shall require the borrower to enter into any collateral sales agreements or contracts, other than the contract of pledge, assignment, or mortgage of personal property, or when otherwise permitted by this division, the deed of trust, mortgage or lien on real property, by the borrower to the lender as security for the repayment of the loan and charges thereon.

SEC. 13. Section 22458 of the Financial Code is amended to read:

22458. Insurance on tangible personal or real property offered as security shall not be deemed to be a collateral sale, purchase, or agreement within the terms of Sections 22456 or 22457, when all the following are met:

(a) The insurance is sold at standard rates through licensed insurance brokers or agents.

(b) The policy is written to cover the property offered as security for a loan.

(c) The property is reasonably insured against loss for a reasonable term considering the circumstances of the loan.

(d) The policy relating to personal property is made payable to the borrower or any member of his family even though the customary mortgagee clause is attached or the mortgagee is a coassured.

(e) Except in the case of purchase money encumbrances the amount of title insurance shall not exceed the principal amount of the loan which is secured by a deed of trust, mortgage or lien on real property which is the subject of such policy of title insurance.

(f) The policy of title insurance insures the lender or is made payable jointly to such lender and the borrower as their interests may appear.

(g) Title insurance is placed through a title insurance company, duly authorized to do business in the state in which the real property is located, at rates comparable to rates being used by other title insurance companies duly authorized to do business in that state.

(h) Title insurance is placed in connection with the renewal or extension of a loan only when the additional cash advance is at least one thousand dollars (\$1,000).

SEC. 14. Section 22458.3 is added to the Financial Code, to read:

22458.3. A licensee may collect the cost of a lot book report purchased in lieu of title insurance provided for in Section 22458.

SEC. 15. Section 22458.4 is added to the Financial Code, to read:

22458.4. On any loan made which is secured in part by real property, an appraisal fee not to exceed the actual cost of the appraisal or 1 percent of the face amount of the loan whichever is the lesser may be charged by the licensee, if a written appraisal is rendered to the licensee by a qualified appraiser. However, if the appraiser is an employee of the licensee or of an affiliate, the fee shall not exceed an amount established by rule of the commissioner adopted pursuant to Section 22400. Only one such fee for appraising the same real property may be collected unless the borrower has obtained a new or additional loan and more than one year has elapsed since the prior appraisal. Such fee is not included in charges as defined in this article or in determining the maximum charges which may be made under this article.

SEC. 16. Section 22458.5 is added to the Financial Code, to read:

22458.5. On any loan made which is secured in part by real property, an escrow fee of a reasonable amount may be charged. Such fee shall be considered reasonable when paid to a company licensed to do business under the Escrow Law, Division 6 (commencing with Section 17000), or any person exempted by the Escrow Law, provided that such fees are comparable to fees being charged by escrow companies so authorized to do business in this state. Such fee is not included in charges as defined in this article or in determining the maximum charges which may be made under this article.

SEC. 17. Section 22464 of the Financial Code is amended to read:

22464. No licensee shall knowingly induce any borrower to split up or divide any loan with any other licensee. No licensee shall induce or permit any borrower to be or to become obligated directly or indirectly, or both, under more than one contract of loan at the same time with the same licensee with the result of obtaining a higher rate of charge than would otherwise be permitted by this article.

For the purposes of this section, "borrower" includes any husband and wife whether jointly or severally obligated.

SEC. 18. Section 22465 of the Financial Code is repealed.

SEC. 19. Section 22466 of the Financial Code is amended to read:

22466. No licensee shall take a deed of trust, mortgage or lien upon real property as security for any loan of a principal amount of less than five thousand dollars (\$5,000) made under this division, except such lien as is created by law upon the recording of an abstract of judgment.

SEC. 20. Section 22470 of the Financial Code is amended to read:

22470. No licensee shall enter into any contract for a loan that provides for a scheduled repayment of principal over more than the maximum terms set forth below opposite the respective size of loans.

Principal amount of loan	Maximum term
Less than \$1,500-----	24 months and 15 days
\$1,500 but less than \$2,500-----	36 months and 15 days
\$2,500 but less than \$4,000-----	48 months and 15 days
\$4,000 but less than \$6,000-----	60 months and 15 days
\$6,000 but less than \$10,000-----	84 months and 15 days

SEC. 21. Section 22473 of the Financial Code is amended to read:

22473. Each licensed personal property broker shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the personal property broker and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, and the agreed rate of charge.

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If such statement discloses that a broker or other person has participated, then the personal property broker shall obtain a full statement of all sums paid or payable to the broker or other person. The personal property broker shall keep such statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply such payment first to all charges due at the agreed rate up to the date of payment, not to exceed the maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any payment, at the time each payment is made on account of any loan, a plain and complete receipt showing the total amount received, identifying the loan contract upon which the payment is applied, and stating the unpaid principal balance of the loan.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, mortgage, security agreement, trust deed, assignment, or order signed by the borrower, except such as are a part of the court record in any action, or such as have been delivered to a third person for the purpose of carrying out their terms, or a security agreement which secures any other indebtedness of a borrower to the licensee. When a trust deed on real property has been taken, as security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor. A termination statement, furnished to the borrower as provided for in Section 9404 of the Commercial Code, shall be deemed a release of the security when a financ-

ing statement has been filed pursuant to Section 9401 of the Commercial Code.

SEC. 21.5. Section 22473 of the Financial Code is amended to read:

22473. Each licensed personal property broker shall:

(a) Deliver or cause to be delivered to the borrower, or any one thereof, at the time the loan is made, a statement showing in clear and distinct terms the name, address, and license number of the personal property broker and the broker, if any. The statement shall show the date, amount, and maturity of the loan contract, how and when repayable, the nature of the security for the loan, and the agreed rate of charge.

(b) Obtain from the borrower a signed statement as to whether any person has performed any act as a broker in connection with the making of the loan. If such statement discloses that a broker or other person has participated, then the personal property broker shall obtain a full statement of all sums paid or payable to the broker or other person. The personal property broker shall keep such statements for a period of two years from and after the date the loan has been paid in full, or has matured according to its terms, or has been charged off.

(c) Permit payment to be made in advance in any amount on any contract of loan at any time. The licensee may apply such payment first to all charges due at the agreed rate up to the date of payment, not to exceed the maximum rate permitted by this article.

(d) Deliver or cause to be delivered to the person making any cash payment, or to the person who requests a receipt at the time of making any payment, at the time payment is made on account of any loan, a plain and complete receipt showing the total amount received, identifying the loan contract upon which the payment is applied, and stating the unpaid principal balance of the loan.

(e) Upon repayment of any loan in full, release all security for the loan, endorse and return any certificate of ownership, cancel or plainly mark "paid" and return to the borrower or person making final payment, any note, mortgage, security agreement, trust deed, assignment, or order signed by the borrower, except such as are a part of the court record in any action, or such as have been delivered to a third person for the purpose of carrying out their terms, or a security agreement which secures any other indebtedness of a borrower to the licensee. When a trust deed on real property has been taken, as security for a loan that has been subsequently paid in full, a duly executed request for reconveyance shall be delivered to the trustor. A termination statement, furnished to the borrower as provided for in Section 9404 of the Commercial Code, shall be deemed a release of the security when a financing statement has been filed pursuant to Section 9401 of the Commercial Code.

SEC. 22. Section 22475 of the Financial Code is amended to read:

22475. Nothing contained in this article shall be construed to deny to any licensee hereunder the right of taking and using a security agreement which, in addition to securing an original obligation, may secure the repayment of sums that may be advanced to, or expenditures that may be made at the direction of, the borrower subsequent to the execution of such security agreement and prior to the satisfaction thereof.

SEC. 23. Section 22480 of the Financial Code is amended to read:

22480. This article applies only to loan contracts payable in substantially equal and consecutive monthly installments of principal and charges combined, the first of which is due not less than 15 days nor more than one month and 15 days from the date the loan is made. In lieu of computing charges and applying payments as provided in Section 22454, a licensee may precompute charges and apply payments as follows:

(a) The total charges which would be earned if the contract were repaid exactly according to its terms, at the monthly rate stated in the contract, may be precomputed when the loan is made and added to the principal of the loan. For the purpose of computation a month shall be that period of time from any date in one month to the corresponding date in the next month and if there is no such corresponding date, then to the last day of the said next month. The principal amount of the loan shall be its face value as referred to in Section 22455. Every payment may be applied to the combined total of principal and precomputed charges until the contract is fully paid. The acceptance of payment of charges on loans made under the provisions of this article shall not be deemed to constitute payment, deduction or receipt thereof in advance nor compounding under Section 22455. Such precomputed charges shall be subject to the following adjustments:

(1) The portion of the precomputed charge applicable to any particular monthly installment period shall bear the same ratio to the total precomputed charge, excluding any adjustment made for a first period of more than one month, as the balance scheduled to be outstanding during that monthly period bears to the sum of all monthly balances scheduled originally by the contract of loan.

(2) If the loan contract is prepaid in full by cash, a new loan, refinancing or otherwise before the final installment date, the borrower shall receive a rebate of the portion of the precomputed charge applicable to the full installment periods following the installment date nearest the date of such prepayment; provided, however, that if prepayment in full occurs on or before:

(i) The third installment date if the loan contract provides for charges at a rate not exceeding that set forth in Section 22451, or,

(ii) The ninth installment date, or such different installment date as shall have been established by rule of the commissioner adopted pursuant to Section 22400, if the loan contract provides for charges at a rate exceeding that rate set forth in Section 22451, the rebate shall be the difference between the total precomputed charge and the charges at the contract rate computed on unpaid principal balances by applying each payment first to charges and the remainder to principal. After the installment date in (i) or (ii) above, whichever is applicable, any prepayment made on or before the 15th day following an installment date shall be deemed to have been made on the installment date preceding such prepayment. The tender, by the borrower or at his request, of an amount equal to the unpaid balance less the required rebate must be accepted by the licensee in full payment of the contract.

(3) If three or more, but not all, installments are prepaid in full at any one time a special rebate shall be made which shall be equal to the portion of precomputed charge applicable to the last installment period multiplied by the total number of full months such installments are prepaid. Such special rebate shall be computed and made at the termination of the contract and shall be an addition to any required rebate for prepayment in full.

(4) If the payment date of all wholly unpaid installments on which no default charge has been collected is deferred one or more full months and the contract so provides, the licensee may charge and collect a deferment charge. Such deferment charge shall not exceed the portion of precomputed charge applicable, prior to deferment, to the first deferred monthly installment period multiplied by the number of months the maturity of the contract is deferred. Such number of months shall not exceed the number of full installments which are in default on the date of deferment or which may become due within 15 days of such date. When a deferment charge is made, no portion of the precomputed charge shall apply to the installment periods in which no installment payment is required by reason of the deferment. In computing any default charge or required rebate, the portion of the precomputed charge applicable to each deferred balance and installment period following the deferment period and prior to the deferred maturity shall remain the same as that applicable to such balances and periods under the original contract of loan. Such charge may be collected at the time of deferment or at any time thereafter. Any payment received at the time of deferment may be applied first to the deferment charge and the remainder, if any, applied to the unpaid balance of the contract; provided, however, if such payment is sufficient to pay, in addition to the appropriate deferment charge, any installment which is in default and the applicable default charge, it shall be first so applied and any such installment shall not be deferred nor subject to the deferment charge.

puting the refund of precomputed charges in case of prepayment in full or acceleration of maturity and for computing default and deferment charges. The delivery of a receipt for each payment showing the total amount of each payment is compliance with subdivision (d) of Section 22473.

(c) If the maturity of the contract when the charges are precomputed is accelerated for any reason, the licensee shall make the same refund or credit as would be required if the

unpaid balance shall be treated as the unpaid principal balance and thereafter the unpaid balance of the contract shall bear charges at the agreed rate of charge if the loan contract so provides.

SEC. 24. It is the intent of the Legislature, if amendments to Section 22473 to the Financial Code proposed by both this bill and A.B. 1852 are enacted, that both amendments be given effect and incorporated in Section 22473 in the form set forth in Section 21.5 of this act. Therefore, in the event A.B. 1852 is enacted and amends Section 22473, Section 21.5 of this act shall become operative at the same time that Section 22473 as amended by A.B. 1852 becomes operative, and at that time, Section 22473 of the Financial Code as amended by Section 21 of this act is repealed.

CHAPTER 738

An act to amend Section 36125 of, and to add Section 36112 to, the Vehicle Code, relating to implements of husbandry.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 36112 is added to the Vehicle Code, to read:

36112. A vehicle equipped with a water tank owned by a farmer and used exclusively to service his own implements of husbandry is exempt from registration but shall be subject to the same equipment and device requirements as if registered if the owner has obtained an identification plate pursuant to Section 36125.

SEC. 2. Section 36125 of the Vehicle Code is amended to read:

36125. Owners of cotton trailers, farm trailers as defined in Section 36010, vehicles which are farmer owned and used as provided in Section 36112, or motor vehicles which are farmer owned and operated and used as provided in Section 36106 or 36110, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars (\$5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by application and payment of the five-dollar (\$5) service charge, except that payment shall be a four-dollar (\$4) service charge on renewal or original applications for 1970, and a three-dollar (\$3) service charge on renewal or original applications for 1971. Such applications for 1970 and 1971 shall expire in two and one years, respectively, to place all such identification plates on an identical three-year basis. Thereafter, the five-dollar (\$5) service charge on original applications for such identification plates shall be decreased by one dollar (\$1) for each subsequent year of the three-year cycle.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

CHAPTER 739

An act to amend Sections 13604, 21114.5, and 21115 of the Education Code, relating to wages of classified employees.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13604 of the Education Code is amended to read:

13604. Orders for the payment of wages and payroll orders and warrants for the payment of wages of employees a part of the classified service in any public school system shall be drawn at least once during each calendar month, for those districts not using the provisions of Sections 21114, 21114.5, or 21115 of this code. Such payment shall be made on the last working day of the month in which the employee was in paid status.

This section shall not prohibit a school district from making a payment of earned salary prior to the last working day of the pay period or of the month.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing at Section 13701) of this chapter.

SEC. 2. Section 21114.5 of the Education Code is amended to read:

21114.5. In any school district situated wholly or partly within a city containing a population of over 1,900,000 persons, according to the 1950 federal census as an alternative to the payment procedures prescribed by Section 21114, orders for the payment of wages, and payroll orders for the payment of wages and warrants for the payment of wages of employees employed full time in positions not requiring certification qualifications shall be drawn once each two weeks, or once each four weeks on days designated in advance by the governing board of the district. Labor performed during each such payroll period shall be paid for not later than the eighth working day of the following payroll period.

SEC. 3. Section 21115 of the Education Code is amended to read:

21115. In any county, the county superintendent of schools, with the approval of the State Superintendent of Public Instruction, the county board of education and the county auditor, may prescribe a payroll procedure, to be followed by designated districts in the county, under which the school district governing boards, by use of payroll orders, shall authorize and direct the county superintendent of schools and the county auditor to draw separate payroll warrants in the names of the individual district employees for the respective amounts set forth therein to the end that each employee may be furnished with a statement of the amount earned and an itemization of the amounts withheld therefrom under requirements of the law or by direction of the employee.

Such payroll warrants shall show the closing date of the pay period for which issued and the date of issue and a statement that it is drawn by order of the governing board of the district and shall bear the signature of the county auditor.

To obtain the advantage of a uniform pay period and pay date within school districts, the payroll procedure may specify the ending date of the pay period and, notwithstanding Sections 13519, 13521, and 21114, the date of issue for payroll warrants, except that the issue date shall be on or before the

10th calendar day following the end of the pay period. The payroll procedure may provide for salary payments, including salary advances, more frequently than once a month.

The payroll procedure may provide for payroll orders authorizing salary payments to individual employees on a continuing basis until such time as notifications of changes or adjustments are submitted by the school districts, provided that an itemized listing of payments made under this procedure is furnished to the school district on or before the date of issue of the payroll warrants.

The payroll order may direct the transfer from the districts' funds to a clearing fund in the county treasury, to be known as the schools payroll revolving fund, of the total of the amount of the payroll warrants to be issued under the order to the end that payroll warrants for all districts may be drawn against a single revolving fund. The payroll order may further direct the transfer from the districts' funds of the totals of the various deductions set forth therein to the trust funds in the county treasury entitled to receive credit for them and may further direct the proper disbursement of such trust amounts.

When the payroll procedure provides for payment of salary once each month the payment shall be made on the last working day of the month as required by Section 13604.

CHAPTER 740

An act to add Section 914.5 to the Penal Code, relating to grand juries.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 914.5 is added to the Penal Code, to read:

914.5. The grand jury shall not spend money or incur obligations in excess of the amount budgeted for its investigative activities pursuant to this chapter by the county board of supervisors unless the proposed expenditure is approved in advance by the presiding judge of the superior court after the board of supervisors has been advised of the request.

CHAPTER 741

An act to amend Section 12303 of, and to add Sections 12303.6 and 12303.7 to, the Penal Code, relating to hazardous ar- ticles, including explosives and destructive devices.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12303 of the Penal Code is amended to read:

12303. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars (\$5,000) or by both such fine and imprisonment.

SEC. 2. Section 12303.6 is added to the Penal Code, to read:

12303.6. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony.

SEC. 3. Section 12303.7 is added to the Penal Code, to read:

12303.7. Every person who is found guilty of a felony as specified in this chapter, except as provided in Section 12303, is punishable by imprisonment in the state prison for a term not less than 15 years, and shall not be eligible for release upon completion of sentence, or on parole, or on any other basis until he has served not less than one year in state prison. No such person shall be granted probation by the court, nor shall the execution of sentence imposed upon such person be suspended by the court.

CHAPTER 742

An act to amend Section 1064 of the Probate Code, relating to administration of estates.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1064 of the Probate Code is amended to read:

1064. (a) When any person appears and claims the money or other personal property on deposit in the county treasury he shall file a petition in the superior court which made the distribution, showing his claim or right to the property, or the proceeds or any portion thereof.

At least 20 days before the hearing of the petition, a copy of the petition must be served on the Attorney General, who may answer the same, at his discretion.

The petition shall be verified and, among other things, shall state the facts required to be stated in a petition filed under

Section 1355 of the Code of Civil Procedure, and upon the filing of the petition, the same proceedings shall be had as are required by that section.

If, upon trial of the issues, the court is satisfied of the claimant's right to the property claimed, it shall grant him a certificate to that effect under its seal. Upon presentation of the certificate, the county auditor must draw his warrant on the county treasurer for the amount of money covered by the certificate. If the certificate covers any personal property other than money, a certified copy of the certificate filed with the county treasurer shall serve as a sufficient warrant of authority for the delivery of the personal property by the county treasurer to the claimant.

Claims for money or other personal property distributed in estates of deceased persons made subsequent to the deposit of the property in the State Treasury shall be governed by the provisions of Chapter 3 (commencing with Section 1335) of Title 10 of Part 3 of the Code of Civil Procedure.

(b) Claimants of money or other personal property deposited in the county treasury, and distributees of money who were minors at the time of distribution by a superior court of this state in estates of deceased persons and have since attained their majority or had general guardians appointed, may, in lieu of filing the petition provided for in subdivision (a) of this section, present such claim in form of an affidavit to a judge of the superior court which made the assignment or distribution, and such judge may thereupon, in his discretion, dispense with the filing of a petition and grant claimants or distributees the certificates provided for in subdivision (a).

CHAPTER 743

An act to repeal Section 3 of Chapter 1308 of the Statutes of 1969, relating to schools.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 1308 of the Statutes of 1969 is repealed.

CHAPTER 744

An act to amend Section 14080 of, and to add Sections 14070.5, 14080.1, and 14080.2 to, the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14070.5 is added to the Education Code, to read:

14070.5. The board shall deduct 4 percent of the refundable balance or twenty-five dollars (\$25), whichever is less, from each refund made upon termination of service. This amount is to cover administrative expense.

SEC. 2. Section 14080 of the Education Code is amended to read:

14080. If a person whose contributions have been refunded reenters the system he may elect to redeposit the contributions, excluding shelter contributions, after he has performed one year of creditable service subsequent to his reentry.

Such redeposit shall include regular interest. For time prior to July 1, 1944, the interest shall be at 2½ percent compounded annually. Such redeposit shall also include the administration expense provided in Section 14070.5.

SEC. 3. Section 14080.1 is added to the Education Code, to read:

14080.1. Repayment of withdrawn Permanent Fund contributions and withdrawn Retirement Annuity Fund contributions shall be made in one sum, or in not more than 60 monthly installments, provided that no installment, except the final installment, shall be less than fifteen dollars (\$15).

SEC. 4. Section 14080.2 is added to the Education Code, to read:

14080.2. An election pursuant to Section 14080 to redeposit contributions previously withdrawn may be made by a member any time prior to the date of his retirement.

If any payment due because of such election is not received at the Sacramento office of the board within 120 days of its due date, the election shall be canceled. Upon such cancellation of election the member's rate of annuity fund contributions shall be determined retroactively as it would have been had the election not been made; any payments made under the election shall be refunded to the member after deducting any retirement annuity fund contributions due because of the adjustment in his rate.

In the event of cancellation of the election the member may at any time prior to the date of his retirement again elect to redeposit contributions previously withdrawn or refunded, in accordance with Section 14080 and all the laws, rules and regulations pertaining thereto.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Permanent Fund is in dire need of money, and thus it is essential that this act take effect immediately.

CHAPTER 745

An act to add Section 13942.1 to the Government Code, relating to public funds.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13942.1 is added to the Government Code, to read:

13942.1. The board may delegate to the Department of Public Works, under such terms and conditions as are acceptable to the board, the authority to order the discharge from accountability for the collection of delinquent real property rental accounts which do not exceed three hundred dollars (\$300), and may thereby authorize the closing by the department of its books in regard to such items.

CHAPTER 746*An act to amend Section 31831.1 of the Government Code, relating to the County Employees Retirement Law of 1937.*

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31831.1 of the Government Code is amended to read:

31831.1. Any member who left county or district service, and became a member of a retirement system established under this chapter in another county or of the Public Employees' Retirement System, may elect deferred retirement pursuant to Article 9 (commencing with Section 31700) of this chapter, provided that he redeposits, in the current retirement fund of the county or district he left, the amount of any refund of contributions and interest he received from the retirement fund of the county or district at the time of separation plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of such other system of the county he entered. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

Unless this chapter expressly provides to the contrary the retirement allowance received by a member pursuant to this section shall be calculated based upon the laws pertaining to the retirement system of such district or county as of the

date of retirement and not the laws pertaining to such system as of the date the member first left county or district service.

CHAPTER 747

An act to add Part 1.5 (commencing with Section 42.1) to Division 1 of the Civil Code, relating to the Uniform Minor Student Capacity to Borrow Act.

[Approved by Governor August 14, 1970 Filed with
Secretary of State August 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Part 1.5 (commencing with Section 42.1) is added to Division 1 of the Civil Code, to read:

PART 1.5. UNIFORM MINOR STUDENT CAPACITY TO BORROW ACT

42.1. This part may be cited as the "Uniform Minor Student Capacity to Borrow Act."

42.3. As used in this part:

(a) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(b) "Educational institution" means a university, college, community college, junior college, high school, technical, vocational or professional school, or similar institution, wherever located, approved or accredited by the Department of Education for the purposes of this part.

(c) "Educational loan" means a loan or other aid or assistance for the purpose of furthering the obligor's education at an educational institution.

42.5. Notwithstanding any other provision of law, any written obligation signed by a minor 18 or more years of age in consideration of an educational loan received by him from any person is enforceable, where the written contract evidencing such obligation has been approved by the superior court of the county in which the minor resides, as if he were an adult at the time of execution, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

Such approval may be given by the superior court on the petition of either party to the contract after such reasonable notice to the other party thereto as may be fixed by such court, with opportunity to such other party to appear and be heard.

CHAPTER 748

An act to amend Sections 166, 2512 and 2512.5 of, and to repeal Section 165 of, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 165 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 166 of the Revenue and Taxation Code is amended to read:

166. (a) Whenever a taxpayer is required to file any statement, affidavit, application, or any other paper or document with a taxing agency by a specified time on a specified date, such filing shall be deemed to be within the specified period if it is sent by United States mail, properly addressed with postage prepaid, and bears a post office cancellation mark of the specified date, or earlier within the specified period, stamped on the envelope, or on itself, or if proof satisfactory to the agency establishes that the mailing occurred on the specified date, or earlier within the specified period.

(b) The provisions of this section shall supersede any contrary special provision of this division unless such special provision specifically provides that this section shall not be applicable.

(c) The provisions of this section are applicable to any filing required to be made by ordinance, rule, or regulation of a taxing agency.

(d) Any statement or affidavit made by a taxpayer asserting such a timely filing must be made within one year of the deadline applicable to the original filing; provided, however, that this subsection shall not apply to any statement or affidavit asserting the timely filing of a property statement or to any statement made by the taxpayer in connection with an escape assessment imposed pursuant to Section 531.

(e) It is the intent of the Legislature that this section be liberally construed in favor of the taxpayer and be applicable to all filings relating to property taxation which are required to be made by a taxpayer by a specified time on a specified date.

SEC. 3. Section 2512 of the Revenue and Taxation Code is amended to read:

2512. If a remittance to cover a payment required by law to be made to a taxing agency on or before a specified date is sent through the United States mail, properly addressed with postage prepaid, it shall be deemed received on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

If a remittance to cover a payment required by law to be made to the agency on or before a specified time on a specified date is sent through the United States mail, properly addressed with postage prepaid, and the cancellation mark is placed on the envelope after it is deposited in the mail:

(a) Where the cancellation mark shows both date and time, the remittance shall be deemed received on the date shown by the cancellation mark and by the times specified by law for that date or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

(b) Where the cancellation mark shows only the date, the remittance shall be deemed received within the time and date specified when the cancellation mark bears a date on or before which payment is required or on the date it was mailed and within the time specified by law for that date if proof satisfactory to the agency establishes that the mailing occurred on an earlier date.

The taxing agency need not accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

SEC. 4. Section 2512.5 of the Revenue and Taxation Code is amended to read:

2512.5. If a remittance to cover a payment required by law to be made to a taxing agency prior to a specified date and hour before being delinquent is deposited in the United States mail in a sealed envelope, properly addressed with postage prepaid, on the date the same becomes delinquent, the remittance shall be deemed received before delinquency on the date shown by the post office cancellation mark stamped upon the envelope containing the remittance or on the date it was mailed if proof satisfactory to the agency establishes that the mailing occurred on an earlier date. The taxing agency is not required to accept such a payment actually received in the mail if it is received more than 30 days after the date and time set by law for the payment.

CHAPTER 749

An act to amend Sections 3050, 3051, and 3100 of the Welfare and Institutions Code, relating to involuntary commitment of persons addicted or in imminent danger of becoming addicted to narcotics.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3050 of the Welfare and Institutions Code is amended to read:

3050. Upon conviction of a defendant of any crime in a municipal or justice court, or following revocation of probation previously granted, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition or execution of the sentence, certify the defendant to the superior court and order the district attorney to file a petition for a commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

Upon the filing of such a petition, the superior court shall order the defendant to be examined by two physicians. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted. If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107 of Article 3.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 3052 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment, he may within 10 days

after the making of such order, file a written demand for a jury trial in compliance with Section 3108.

SEC. 2. Section 3051 of the Welfare and Institutions Code is amended to read:

3051. Upon conviction of a defendant for any crime in any superior court, or following revocation of probation previously granted, whether or not sentence has been imposed, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition or execution of the sentence and order the district attorney to file a petition for commitment of the defendant to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility unless, in the opinion of the judge, the defendant's record and probation report indicate such a pattern of criminality that he does not constitute a fit subject for commitment under this section.

Upon the filing of such a petition, the court shall order the defendant to be examined by two physicians. At least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the defendant. A written report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted. If the report is to the effect that the defendant is addicted or is by reason of the repeated use of narcotics in imminent danger of addiction, further proceedings shall be conducted in compliance with Sections 3104, 3105, 3106, and 3107.

If, after a hearing, the judge finds that the defendant is a narcotic addict, or is by reason of the repeated use of narcotics in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further

proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section is dissatisfied with the order of commitment he may within 10 days after the making of such order file a written demand for a jury trial in compliance with Section 3108.

SEC. 3. Section 3100 of the Welfare and Institutions Code is amended to read:

3100. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney, under oath, who may, when there is probable cause, petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility. As used in this article the term "person" includes any person who is released on probation by any court of this state.

CHAPTER 750

An act to amend Section 24073 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24073 of the Business and Professions Code is amended to read:

24073. No retail license limited in numbers, or on-sale general license for seasonal business, shall be transferred unless before the filing of the transfer application with the department the licensee or the intended transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated a notice of the intended transfer, stating all of the following:

- (a) The name and address of the licensee.
- (b) The name and address of the intended transferee.
- (c) The kind of license or licenses intended to be transferred.
- (d) The address or addresses of the premises to which the license or licenses have been issued.
- (e) An agreement between the parties to the transfer that the consideration for the transfer of the business and license or licenses, if any there be, is to be paid only after the transfer is approved by the department.

(f) The place where the purchase price or consideration for the transfer of the business and license or licenses is to be paid, the amount of such purchase price or consideration, and a

description of the entire consideration, including a designation of cash, checks, promissory notes, and tangible and intangible property, and the amount of each thereof.

(g) The name and address of the escrow holder referred to in Section 24074 of this division.

A copy of the notice of intended transfer, certified by the county recorder, shall be filed with the department together with a transfer application.

CHAPTER 751

An act to add Section 8388 to the Fish and Game Code, relating to Pacific mackerel.

[Approved by Governor August 14, 1970 Filed with
Secretary of State August 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 8388 is added to the Fish and Game Code, to read:

8388. Pacific mackerel may not be taken or possessed at any time for any purpose except loads or lots of fish may contain 18 percent or less by weight of Pacific mackerel taken incidentally to other fishing operations. Such Pacific mackerel, incidentally taken, may be used for any purpose.

This section shall remain in effect only until the 61st day after adjournment of the 1972 Regular Session.

CHAPTER 752

An act to amend Section 1147 of the Probate Code, relating to public administrators.

[Approved by Governor August 14, 1970 Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1147 of the Probate Code is amended to read:

1147. The public administrator, as soon as he receives the same, shall deposit all moneys of the estate with one or more banks authorized to do business in his county, or invest any amount thereof in an account or accounts in one or more insured savings and loan associations authorized to do business in his county, and if there is none then with any bank or in an account or accounts in one or more insured savings and loan associations in the state, whereupon he shall be discharged from further care or responsibility therefor until the money is withdrawn by him. Money deposited with a bank or invested in an account or accounts in one or more insured savings and loan

associations may be withdrawn upon the order of the public administrator. The moneys thus deposited or invested may be invested, pending the administration of the estate, in securities of the United States or of this state, upon the same proceedings had as in other cases of administration.

CHAPTER 753

An act to amend Section 40307 of the Vehicle Code, relating to vehicle offenses.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 40307 of the Vehicle Code is amended to read:

40307. When an arresting officer attempts to take a person arrested for a misdemeanor or infraction of this code before a magistrate and the magistrate or person authorized to act for him is not available, the arresting officer shall take the person arrested before:

(a) The clerk of the magistrate who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code, or

(b) The officer in charge of the most accessible county or city jail or other place of detention within the county who shall admit him to bail in accordance with a schedule fixed as provided in Section 1269b of the Penal Code or may, in lieu of bail, release the person on his written promise to appear as provided in subdivisions (a) through (f) of Section 853.6 of the Penal Code.

CHAPTER 754

An act to add Section 5010.1 to the Public Resources Code, relating to state parks,

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5010.1 is added to the Public Resources Code, to read:

5010.1. The department may contract with any public or private agency for the collection of fees and rentals and the operation of a reservation system for the state park system. The contract may provide that the agency may retain a portion of such fee or rental as reimbursement for the cost of its services.

CHAPTER 755

An act to add Section 5503.5 to the Public Utilities Code, relating to air carriers.

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5503.5 is added to the Public Utilities Code, to read:

5503.5. Notwithstanding the provisions of Section 5503, the commission shall require less accident insurance than that required of commercial air operators pursuant to Section 5503, of persons who fulfill all the following requirements:

(a) That conduct nonstop sightseeing flights that begin and end at the same airport and are conducted within a 25-mile radius of that airport;

(b) Engage in passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization;

(c) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by Federal Aviation Administration inspector;

(d) Each pilot in command has logged at least 200 hours of flight time within the previous four years;

(e) No acrobatic or formation flights are conducted;

(f) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of Title 14, Code of Federal Regulations, Section 91.169; and

(g) The flight is made under visual flying rules during the day.

CHAPTER 756*An act to amend Section 19630 of the Welfare and Institutions Code, relating to blind persons.*

[Approved by Governor August 14, 1970. Filed with Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19630 of the Welfare and Institutions Code is amended to read:

19630. Licenses shall be issued only to applicants who are blind within the meaning of Section 19153 who are qualified to operate such stands.

CHAPTER 757

An act to amend Section 9605 of the Government Code, relating to statutes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9605 of the Government Code is amended to read:

9605. Where a section or part of a statute is amended, it is not to be considered as having been repealed and reenacted in the amended form. The portions which are not altered are to be considered as having been the law from the time when they were enacted; the new provisions are to be considered as having been enacted at the time of the amendment; and the omitted portions are to be considered as having been repealed at the time of the amendment. When the same section or part of a statute is amended by two or more acts enacted at the same session, any portion of an earlier one of such successive acts which is omitted from a subsequent act shall be deemed to have been omitted deliberately and any portion of a statute omitted by an earlier act which is restored in a subsequent act shall be deemed to have been restored deliberately.

In the absence of any express provision to the contrary in the statute which is enacted last, it shall be conclusively presumed that the statute which is enacted last is intended to prevail over statutes which are enacted earlier at the same session and, in the absence of any express provision to the contrary in the statute which has a higher chapter number, it shall be presumed that a statute which has a higher chapter number was intended by the Legislature to prevail over a statute which is enacted at the same session but has a lower chapter number.

SEC. 2. This act does not constitute a change in, but is declaratory of, the existing law.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

For many years the legislative process of this state has been based upon the premise that the law relating to the operation and effect of statutes was substantially as set forth in this act. Recently, serious questions have been raised as to the extent to which this assumption regarding the status of the law is valid. It is necessary that the law on this subject be immediately clarified and made certain in order that the Legislature may properly consider and act upon pending legislation at the 1970 Regular Session and the status of statutes enacted at previous sessions of the Legislature may be immediately determined.

CHAPTER 758

An act to add Sections 2193.10 and 2193.15 to the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor August 14, 1970 Filed with
Secretary of State August 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2193.10 is added to the Business and Professions Code, to read:

2193.10. The board may waive the one year of service in a hospital located in this state and approved for the training of interns, which is required by Section 2193, for any person applying under that section who qualifies under subdivisions (a) and (b) thereof and who meets all the following qualifications:

(a) He has successfully passed the written examination required by this chapter for a physician and surgeon's certificate.

(b) He can speak and write English.

(c) He has completed two years of postgraduate training in accredited hospitals in the United States, including one year at a hospital in California acceptable to the board.

(d) He is licensed to practice medicine in another state in the United States.

SEC. 2. Section 2193.15 is added to the Business and Professions Code, to read:

2193.15. Notwithstanding the provisions of Sections 2193 and 2193.5 of this chapter, the board shall permit any person to take the written, oral, and clinical examinations for a physician's and surgeon's certificate which are given to graduates of foreign medical schools who shall furnish documentary evidence satisfactory to the board that he meets all the following requirements:

(a) Has completed in a foreign medical school or schools a resident course of professional instruction equivalent to that required in this article for a physician and surgeon.

(b) Has been admitted or licensed to practice medicine and surgery in the country wherein is located the institution in which he has completed the resident courses of professional instruction required under this chapter.

(c) Has completed one year or more of residency specialty training in hospitals located in the United States and approved by the board.

(d) Has been licensed to practice medicine by at least two other states.

(e) Has satisfied all the requirements of the Educational Council for Foreign Medical Graduates, or its equivalent, and has been awarded its certificate.

(f) Has worked as a physician and surgeon for three years or more in a Veterans Administration hospital, which experience is approved by the board.

(g) Has held a teaching position in his specialty for two years or more on the faculty of a medical school located in the United States and approved by the board.

If the person successfully passes the examinations, he shall be issued a physician's and surgeon's certificate.

CHAPTER 759

An act to add Sections 72190.1 and 72706.1 to the Government Code, relating to court attachés.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 72190.1 is added to the Government Code, to read:

72190.1. A commissioner of a municipal court may conduct arraignment proceedings in the court if directed to perform such duties by the presiding or sole judge of the court.

SEC. 2. Section 72706.1 is added to the Government Code, to read:

72706.1. A commissioner of the municipal court may conduct arraignment proceedings in the court if directed to perform such duties by the presiding or sole judge of the court.

CHAPTER 760

An act to amend Sections 9001, 9001.5, 9002, 9009, 9012, 9013, 9037, 9038, 9042, 9043, 9047, 9048, 9056, 17800.3, 17803, 17845, and 17846 of, and to add Sections 9043.1, 9047.1, 9048.1, 9048.2, and 9051.1 to, the Business and Professions Code, relating to marriage counselors and social workers.

[Approved by Governor August 14, 1970. Filed with
Secretary of State August 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9001 of the Business and Professions Code is amended to read:

9001. There is in the Department of Professional and Vocational Standards a Board of Behavioral Science Examiners which consists of nine members appointed by the Governor with the advice and consent of the Senate.

SEC. 2. Section 9001.5 of the Business and Professions Code is amended to read:

9001.5. All functions, responsibilities, and duties are transferred on the effective date of the amendment to this section enacted at the 1970 Regular Session of the Legislature from the Social Worker and Marriage Counselor Qualifications

Board of the State of California to the Board of Behavioral Science Examiners.

Any rules and regulations adopted by the Board of Social Work Examiners of the State of California, which are in effect on the effective date of the amendment to this section enacted at the 1970 Regular Session of the Legislature, shall remain in effect until the board adopts new rules and regulations or incorporates the Board of Social Work Examiners of the State of California's rules and regulations into the board's rules and regulations.

Wherever the term "Board of Social Work Examiners of the State of California" or the term "Social Worker and Marriage Counselor Qualifications Board of the State of California" is used in any law or regulations of this state it shall mean the Board of Behavioral Science Examiners.

SEC. 3. Section 9002 of the Business and Professions Code is amended to read:

9002. Two members of the board shall be state-licensed clinical social workers, two shall be state-registered social workers, two shall be state-licensed marriage, family and child counselors, and three shall be public members. Each member, except the three public members, shall hold at least a master's degree from an accredited college or university and shall have at least two years of experience in his profession.

SEC. 4. Section 9009 of the Business and Professions Code is amended to read:

9009. The board shall keep an accurate record of all of its proceedings and a register of all applicants for certificates or licenses and of all individuals to whom a certificate as a registered social worker or a license as a licensed clinical social worker is issued.

SEC. 5. Section 9012 of the Business and Professions Code is amended to read:

9012. The board may make such rules and regulations as may be necessary for the enforcement of this chapter and may by rule and regulation prescribe the qualifications for registration and licensure.

SEC. 6. Section 9013 of the Business and Professions Code is amended to read:

9013. The board shall have and use a seal bearing the words "The Board of Behavioral Science Examiners," and shall otherwise conform to Section 107.5."

SEC. 7. Section 9037 of the Business and Professions Code is amended to read:

9037. Within 10 days after the beginning of each month, the board shall report to the department the amount of all collections for the month preceding, and at the same time, shall pay the amount thereof into the State Treasury to the credit of the Social Worker and Marriage Counselor Fund which fund is hereby continued in existence as the Behavioral Science Examiners Fund.

Any reference in any law to the Registered Social Workers'

Fund or the Social Worker and Marriage Counselor Fund shall be deemed to refer to the Behavioral Science Examiners Fund.

SEC. 8. Section 9038 of the Business and Professions Code is amended to read:

9038. (a) Except as provided in subdivision (b) of this section and Section 17846, all sums in the Behavioral Science Examiners Fund are appropriated to the board, to be expended by it for the purposes of the programs under its jurisdiction.

(b) On the effective date of the amendment made to this section at the 1970 Regular Session of the Legislature, the unencumbered balance of any funds in the Social Worker and Marriage Counselor Fund shall be transferred to the Behavioral Science Examiners Fund and shall be expended by the Board of Behavioral Science Examiners to carry out the purposes of this chapter.

SEC. 9. Section 9042 of the Business and Professions Code is amended to read:

9042. Each applicant shall furnish evidence satisfactory to the board that he complies with all the following requirements:

- (a) Is at least 21 years of age.
- (b) Is of good moral character.
- (c) Is a citizen of the United States, or has declared his intention to become a citizen. A statement by the applicant, under oath, that he is a citizen or that he intends to apply for citizenship when he becomes eligible, shall be sufficient proof of compliance with this subdivision.

(d) Has received a master's degree from an accredited school of social work.

(e) Has had two years of full-time post-masters experience, acceptable to the board, in the use of psychosocial and psychotherapeutic methods and measures in a hospital, clinic, or agency. One year of such experience shall have been in a hospital, clinic, or agency in which the applicant, under professional supervision, has employed such methods or measures.

(f) Has not committed any of the offenses set forth in Section 9028.

SEC. 10. Section 9043 of the Business and Professions Code is amended to read:

9043. Each first application shall be accompanied with a fee of fifty dollars (\$50), which shall be deposited by the board into the State Treasury to the credit of the Behavioral Science Examiners Fund.

On the effective date of the amendment made to this section at the 1970 Regular Session of the Legislature, the unencumbered balance of any funds in the Social Worker and Marriage Counselor Fund shall be transferred to the Behavioral Science Examiners Fund and shall be expended by the Board of Behavioral Science Examiners to carry out the purposes of this chapter.

SEC. 11. Section 9043.1 is added to the Business and Professions Code, to read:

9043.1. Notwithstanding the provisions of Section 9043, an applicant who has failed the examination can reapply upon payment of a fee of ten dollars (\$10) if he reapplies within the 12-month period subsequent to failure of the examination.

SEC. 12. Section 9047 of the Business and Professions Code is amended to read:

9047. The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees thereof have been paid, licenses the holder thereof to engage in the practice of clinical social work as defined in Section 9049, and entitles the holder thereof to use the title of licensed clinical social worker. Such license shall read: "This license entitles the holder thereof to engage in the practice of clinical social work, and licenses the holder thereof to use the title of licensed clinical social worker."

SEC. 12.5. Section 9047 of the Business and Professions Code is amended to read:

9047. The board shall issue a license to each applicant meeting the requirements of this article, which license, so long as the annual renewal fees thereof have been paid, licenses the holder thereof to engage in the practice of clinical social work as defined in Section 9049, and entitles the holder thereof to use the title of licensed clinical social worker. The form and contents of the license shall be determined by the director in accordance with Section 164.

SEC. 13. Section 9047.1 is added to the Business and Professions Code, to read:

9047.1. Any previously licensed clinical social worker in good standing may request a license issued pursuant to the amendments to Section 9047 enacted by the Legislature at the 1970 Regular Session of the Legislature to replace the license issued to him prior to the effective date of this section. A fee for such a license shall be fixed by the board based upon the costs incurred for the issuance thereof.

SEC. 14. Section 9048 of the Business and Professions Code is amended to read:

9048. A renewal fee in the sum of ten dollars (\$10) shall be charged and collected annually by the board prior to the last day of March of each calendar year. Such fees shall be deposited in the State Treasury to the credit of the Behavioral Science Examiners Fund. A five dollar (\$5) delinquency fee shall be added to the renewal fee when such renewal fee is not received by the board prior to the last day of March of each calendar year. Any person who permits his license to become delinquent may have it restored only upon the payment of all fees which he would have paid if the license had not become delinquent plus the payment of the delinquency fee.

SEC. 15. Section 9048.1 is added to the Business and Professions Code, to read:

9048.1. A license shall be displayed in the licensee's primary place of practice.

SEC. 16. Section 9048.2 is added to the Business and Professions Code, to read:

9048.2. The current annual renewal receipt shall be displayed near the license.

SEC. 17. Section 9051.1 is added to the Business and Professions Code, to read:

9051.1. Any person who violates any provision of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding a period of six months, or by a fine not exceeding five hundred dollars (\$500), or both.

SEC. 18. Section 9056 of the Business and Professions Code is amended to read:

9056. A person other than a licensed clinical social worker may be employed by a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon, who is certified by the board in psychiatry and neurology of the American Medical Association, to perform limited social work functions provided that:

(a) Such person is a registered social worker in the State of California, or has a master's degree from an accredited school or department of social work.

(b) Such person is at all times under the supervision of a licensed clinical social worker, a licensed psychologist, or a board certified psychiatrist who shall be responsible for insuring that the extent, kind, and quality of the social work services he performs are consistent with his training and experience and be responsible for his compliance with the provisions of this chapter, and the regulations adopted pursuant to this chapter and including those provisions set forth in Section 9051.

(c) Such social worker is not called a clinical social worker, and such social work functions are not in the area of psychotherapy as defined in Section 9049.

SEC. 19. Section 17800 3 of the Business and Professions Code is amended to read:

17800.3. "Board," as used in this chapter, means the Board of Behavioral Science Examiners.

SEC. 20. Section 17803 of the Business and Professions Code is amended to read:

17803. A person desiring to advertise the performance of marriage, family and child counseling services shall apply to the Board of Behavioral Science Examiners for a license and shall pay the license fee required by this chapter.

SEC. 21. Section 17845 of the Business and Professions Code is amended to read:

17845. The board shall report each month to the State Controller the amount and source of all revenue received pursuant to this chapter and at the same time pay the entire amount

thereof into the State Treasury for credit to the Behavioral Science Examiners Fund.

SEC. 22. Section 17846 of the Business and Professions Code is amended to read:

17846. On the effective date of the amendment made to this section at the 1970 Regular Session of the Legislature, the unencumbered balance of and funds in the Social Worker and Marriage Counselor Fund shall be transferred to the Behavioral Science Examiners Fund and shall be expended by the Board of Behavioral Science Examiners in carrying out and enforcing the provisions of this chapter.

SEC. 23. It is the intent of the Legislature that if the Governor's Reorganization Plan No. 2 of 1970 becomes effective, Section 9047 of the Business and Professions Code as set forth in Section 12.5 of this act shall become operative, Section 9047 of the Business and Professions Code as amended by Section 12 of this act shall not take effect, and any conflicting provisions of the Governor's Reorganization Plan No. 2 inconsistent with Section 12.5 of this act or with any other provisions of this act are repealed.

CHAPTER 761

An act to add Section 11610.7 to the Business and Professions Code, relating to subdivisions.

[Approved by Governor August 14, 1970 Filed with
Secretary of State August 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11610.7 is added to the Business and Professions Code, to read:

11610.7. (a) No city or county shall approve either the tentative or the final map of any subdivision fronting upon any lake or reservoir which is owned in part or entirely by any public agency including the state, which subdivision does not provide or have available reasonable access by fee or easement from public highways to any water of the lake or reservoir upon which the subdivision borders either within the subdivision or a reasonable distance from the subdivision.

Any public access route or routes provided by the subdivider shall be expressly designated on the tentative or final subdivision map, and such map shall expressly designate the governmental entity to which such route or routes are dedicated and its acceptance of such dedication. The acceptance by such governmental entity of such dedication shall occur within five years of the approval of the final subdivision map, at which time, unless accepted, such dedication shall be deemed abandoned.

(b) Reasonable access, as used in subdivision (a), shall be determined by the city or county in which the subdivision lies.

(c) In making the determination of what shall be reasonable access, the city or county shall consider:

(1) That access may be by highway, foot trail, bike trail, horse trail, or any other means of travel.

(2) The size of the subdivision.

(3) The type of shoreline and the various appropriate recreational, educational, and scientific uses, including, but not limited to, swimming, diving, boating, fishing, water skiing, scientific exploration, and teaching.

(4) The likelihood of trespass on private property and reasonable means of avoiding such trespasses.

(d) Nothing in this section shall require a city or county to disapprove either a tentative or final subdivision map solely on the basis that the reasonable access otherwise required by this section is not provided through or across the subdivision itself, if the city or county makes a finding that such reasonable access is otherwise available within a reasonable distance from the subdivision.

Any such finding shall be set forth on the face of the tentative or final subdivision map.

(e) The provisions of this section shall not apply to the final map of any subdivision the tentative map of which has been approved by a city or county prior to the effective date of this section.

(f) Any access route or routes provided by the subdivider pursuant to this section may be conveyed or transferred to any state or local agency by the governmental entity to which such route or routes have been dedicated, at any future time, by mutual consent of such governmental entity and the particular state or local agency. Such conveyance or transfer shall be recorded by the recipient state or local agency in the office of the county recorder of the county in which such route or routes are located.

CHAPTER 762

An act relating to the submission of amendments to the Constitution of the state, and amendments to initiative acts, to the people, declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Secretary of State shall forthwith revise the second and third resolved clauses of Assembly Constitutional Amendment No. 79 of the 1969 Regular Session, to read:

And be it further resolved, That it is intended that if both this measure and Assembly Constitutional Amendment No. 36 of the 1970 Regular Session of the Legislature are adopted and approved by the electors at the November 1970 election that

both be given effect, and to this end subdivision (m) is added to Section 4 of Article XXIV, to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 36 is adopted by the electors at the November 1970 election, in which case subdivision (d) of Section 4 of Article XXIV as added by the first resolved clause of this measure, and subdivision (m) of Section 4 of Article XXIV as added by the first resolved clause of Assembly Constitutional Amendment No. 36 of the 1970 Regular Session, shall not take effect.

SEC. 2. The Secretary of State shall forthwith add the following two resolved clauses to Assembly Constitutional Amendment No. 36 of the 1970 Regular Session immediately following the first resolved clause thereof, to read:

And be it further resolved, That it is intended that if both this measure and Assembly Constitutional Amendment No. 79 of the 1969 Regular Session of the Legislature are adopted and approved by the electors at the November 1970 election that both be given effect, and to that end subdivision (m) is added to Section 4 of Article XXIV, to read:

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, the Legislative Counsel may appoint or employ two deputies or employees, and the State Board of Education, on nomination of the Superintendent of Public Instruction, may appoint not more than two Deputy Superintendents of Public Instruction and not more than four Associate Superintendents of Public Instruction, whose terms of office shall run concurrently with the term of the Superintendent of Public Instruction who nominated them, but shall not exceed four years.

And be it further resolved, That the provisions of the second resolved clause of this measure shall become operative only if Assembly Constitutional Amendment No. 79 is adopted by the electors at the November 1970 election, in which case subdivision (m) of Section 4 of Article XXIV as added by the first resolved clause of this measure, and subdivision (d) of Section 4 of Article XXIV as added by the first resolved

clause of Assembly Constitutional Amendment No. 79, shall not take effect.

SEC. 3. Pursuant to the authority granted by Section 1 of Chapter 57 of the Statutes of the First Extraordinary Session of 1966, the Legislature hereby finds and declares that it is necessary to rescind its action in adopting Assembly Constitutional Amendment No. 7 of the 1969 Regular Session which became Resolution Chapter 308 of the Statutes of 1969. The facts constituting such necessity are:

A recent decision of the California Supreme Court has cast serious doubt upon the constitutionality of a provision which would authorize persons literate in Spanish or English to vote but would prohibit persons literate in another language from voting.

Assembly Constitutional Amendment No. 7 of the 1969 Regular Session enacted as Resolutions Chapter 308 of the Statutes of 1969 is hereby rescinded, and the Secretary of State shall not submit it to the people of the state for approval or ratification.

SEC. 4. There shall be submitted to the people at the general election, to be held on the third day of November, 1970, constitutional amendments as proposed by Senate Constitutional Amendment Nos. 3, 11, 18, and 19 of the 1970 Regular Session of the Legislature. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to each measure submitted pursuant to this act.

Each particular measure shall be placed on the ballot only if it is adopted by the Legislature.

SEC. 5. Within five days after either the effective date of this act or the adoption by the Legislature of the respective Senate constitutional amendment, whichever occurs later, the author of each of the constitutional amendments and one member of the opposite house who voted with the majority on the respective amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the particular measure. If the respective constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the respective Senate constitutional amendment, whichever occurs later.

SEC. 6. Upon either the effective date of this act or the adoption by the Legislature of the respective Senate constitu-

tional amendment, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for each measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of each measure in accordance with Section 3566 of the Elections Code. Each title and analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the respective Senate constitutional amendment, whichever occurs later. Each measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 7. (a) Notwithstanding Section 4 of Assembly Bill No. 2107 of the 1970 Regular Session of the Legislature, there shall be submitted to the people at the general election, to be held on the third day of November, 1970, the act to amend an initiative act entitled "An act prescribing the terms upon which licenses may be issued to practitioners of chiropractic, creating the State Board of Chiropractic Examiners and declaring its powers and duties, prescribing penalties for violation hereof, and repealing all acts and parts of acts inconsistent herewith," approved by electors November 7, 1922, by amending Sections 4 and 10 thereof, proposed by Assembly Bill No. 2107 of the 1970 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of amendments to initiative acts proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Assembly Bill No. 2107, whichever occurs later, the author and first coauthor of the bill and one member of the opposite house who voted with the majority on the bill, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the bill was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of appointment.

(c) Upon the effective date of this section or upon the date of the adoption by the Legislature of Assembly Bill No. 2107, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title

and said analysis shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of Assembly Bill No. 2107, whichever occurs later. The measure submitted pursuant to this section shall be designated on the ballots at the election by its ballot title.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Various conflicting constitutional amendments have been adopted which will be submitted to the people at the November 1970 general election. It is necessary to revise these measures to eliminate these conflicts. In addition, the various constitutional amendments which have been adopted by the Legislature will not appear on the November ballot unless action is taken immediately. For these reasons, it is necessary that this act go into immediate effect.

CHAPTER 763

An act to place amendments to the Constitution on the ballot for the general election to be held on Tuesday, November 3, 1970, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. There shall be submitted to the people at the general election, to be held on the third day of November, 1970, constitutional amendments as proposed by Assembly Constitutional Amendment Nos. 3, 4, 9, 32, 36, 40, 42, 43, 49, 65, 66, 67, and 68 of the 1970 Regular Session of the Legislature. Except as otherwise provided in this act, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to each measure submitted pursuant to this act.

Each particular measure shall be placed on the ballot only if it is adopted by the Legislature.

SEC. 2. Within five days after either the effective date of this act or the adoption by the Legislature of the respective Assembly constitutional amendment, whichever occurs later, the author of each of the constitutional amendments and one member of the opposite house who voted with the majority on the respective amendment shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the particular measure. If the respective constitutional amendment was not adopted unanimously by the house

in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the respective Assembly constitutional amendment, whichever occurs later.

SEC. 3. Upon either the effective date of this act or the adoption by the Legislature of the respective Assembly constitutional amendment, whichever occurs later, the Secretary of State shall request the Attorney General to prepare a ballot title for each measure submitted pursuant to this act and shall also request the Legislative Counsel to prepare an analysis of each measure in accordance with Section 3566 of the Elections Code. Each title and analysis shall be filed with the Secretary of State within 10 days after either the effective date of this act or the adoption by the Legislature of the respective Assembly constitutional amendment, whichever occurs later. Each measure submitted pursuant to this act shall be designated on the ballot at the election by its ballot title.

SEC. 4. The Secretary of State shall place these Assembly constitutional amendments on the ballot as follows:

(a) Assembly Constitutional Amendment No. 66 shall appear last;

(b) Assembly Constitutional Amendment No. 67 shall appear next to last;

(c) Assembly Constitutional Amendment No. 65 shall appear third from the last;

(d) Assembly Constitutional Amendment No. 36 shall appear fourth from the last;

(e) Assembly Constitutional Amendment Nos. 3, 4, 9, 32, 40, 42, 43, 49, and 68 shall appear in such order as the secretary may designate.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the necessary constitutional provisions on the ballot at the earliest possible time, it is necessary that this act go into immediate effect.

CHAPTER 764

*An act to add Section 18654.5 to the Government Code,
relating to state civil service.*

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18654.5 is added to the Government Code, to read:

18654.5. The executive officer shall administer the civil service statutes under rules of the board, subject to the right of appeal to the board.

SEC. 2. This act shall only become operative if Assembly Constitutional Amendment No. 36 is adopted by the people at the November 1970 general election, and, in that event, shall become operative at the same time as Assembly Constitutional Amendment No. 36.

CHAPTER 765

An act to add Section 10850.1 to the Welfare and Institutions Code, relating to social services confidential records.

[Approved by Governor August 19, 1970 Filed with
Secretary of State August 19, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 10850.1 is added to the Welfare and Institutions Code, to read:

10850.1. Notwithstanding the provisions of Section 10850, the county department shall release to the head of a law enforcement agency charged with conducting criminal investigations into violations of state law involving fraudulent or other unauthorized use of public assistance payment checks or warrants, the disbursement records of a recipient or former recipient upon receipt of an affidavit from the head of such law enforcement agency that the records are material to such a criminal investigation.

Information released to the head of a law enforcement agency under this section shall be used only for the official conduct of his office as it pertains to criminal investigations into violations of state law involving fraudulent or unauthorized use of public assistance payment checks and warrants.

CHAPTER 766

An act to amend Sections 4000.1, 4000.2, and 24007 of the Vehicle Code, relating to vehicles.

[Approved by Governor August 19, 1970 Filed with
Secretary of State August 19, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 4000.1 of the Vehicle Code is amended to read:

4000.1. (a) The department shall require upon initial registration, and upon transfer of ownership and registration, of any motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

The provisions of this section shall not apply to a transfer of ownership and registration between husband and wife or between companies whose principal business is leasing vehicles, if there is no change in the lessee or operator of the vehicle.

(b) The State Air Resources Board established under Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code may exempt designated classifications of motor vehicles from the provisions of subdivision (a) as they deem necessary, and shall notify the department of such action; provided, however, that no exemption shall be granted to those vehicles subject to the provisions of subdivision (g) of Section 39129 of the Health and Safety Code, except as provided therein.

SEC. 2. Section 4000.2 of the Vehicle Code is amended to read:

4000.2. The department shall require upon registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, previously registered outside this state, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a motor vehicle pollution control device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

SEC. 3. Section 24007 of the Vehicle Code is amended to read:

24007. (a) No dealer or person holding a retail seller's permit shall sell a new or used motor vehicle which is not in compliance with the provisions of this code and department regulations adopted pursuant to this code unless the vehicle is sold to another dealer or for the purpose of being wrecked or dismantled or is sold exclusively for off-highway use.

(b) No dealer shall sell a new or used motor vehicle subject to the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code which is not in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code and the rules and regulations of the State Air Resources Board, unless the vehicle is sold to

another dealer or for the purpose of being wrecked or dismantled. The dealer shall, with each application for initial registration of a new motor vehicle or transfer of registration of a motor vehicle subject to Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code, transmit to the Department of Motor Vehicles, without charge to the transferee, a valid certificate of compliance from a licensed motor vehicle pollution control device installation and inspection station indicating that such vehicle is properly equipped with a certified device or devices which are in proper operating condition and which are in compliance with the provisions of Chapter 4 (commencing with Section 39080) of Part 1 of Division 26 of the Health and Safety Code.

CHAPTER 767

An act to add Sections 20603 and 21251.13 to the Government Code, relating to the Public Employeecs' Retirement System.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20603 is added to the Government Code, to read:

20603. The normal rate of contributions for a local miscellaneous member subject to Section 21251.13 shall be 7 percent of the compensation paid such member on and after the date upon which he becomes subject to such section.

The normal rate of contribution as established under this section for a member whose service is included in the federal system shall be reduced by one-third as applied to compensation not exceeding four hundred dollars (\$400) per month for service after the date of execution of the modification of the federal-state agreement including such service in the federal system and prior to termination of such agreement with respect to the coverage group to which he belongs.

SEC. 2. Section 21251.13 is added to the Government Code, to read:

21251.13. The combined current and prior service pensions for a local miscellaneous member who is an employee of a contracting agency which is subject to the provisions of this section, is a pension derived from the contributions of the contracting agency, sufficient, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member at the date of his retirement, to equal the fraction of one-fiftieth of his final compensation set forth opposite his age at retirement, taken to the preceding completed quarteryear, in the following table in the column applicable to his sex, multiplied by the number of years of current and prior service except service in a category of mem-

bership other than that of local miscellaneous member in the employ of such contracting agency, with which he is entitled to be credited at retirement:

Age of retirement	Fraction	
	Men	Women
55 -----	.706	.730
55 $\frac{1}{4}$ -----	.718	.741
55 $\frac{1}{2}$ -----	.731	.753
55 $\frac{3}{4}$ -----	.743	.764
56 -----	.755	.776
56 $\frac{1}{4}$ -----	.768	.788
56 $\frac{1}{2}$ -----	.782	.800
56 $\frac{3}{4}$ -----	.795	.813
57 -----	.808	.825
57 $\frac{1}{4}$ -----	.823	.839
57 $\frac{1}{2}$ -----	.838	.852
57 $\frac{3}{4}$ -----	.852	.865
58 -----	.867	.879
58 $\frac{1}{4}$ -----	.883	.893
58 $\frac{1}{2}$ -----	.899	.908
58 $\frac{3}{4}$ -----	.915	.923
59 -----	.931	.937
59 $\frac{1}{4}$ -----	.948	.953
59 $\frac{1}{2}$ -----	.966	.969
59 $\frac{3}{4}$ -----	.983	.985
60 -----	1.000	1.000
60 $\frac{1}{4}$ -----	1.017	1.016
60 $\frac{1}{2}$ -----	1.034	1.032
60 $\frac{3}{4}$ -----	1.050	1.048
61 -----	1.067	1.064
61 $\frac{1}{4}$ -----	1.084	1.081
61 $\frac{1}{2}$ -----	1.101	1.097
61 $\frac{3}{4}$ -----	1.119	1.114
62 -----	1.136	1.131
62 $\frac{1}{4}$ -----	1.154	1.148
62 $\frac{1}{2}$ -----	1.173	1.166
62 $\frac{3}{4}$ -----	1.191	1.183
63 -----	1.209	1.200
63 $\frac{1}{4}$ -----	1.229	1.219
63 $\frac{1}{2}$ -----	1.248	1.237
63 $\frac{3}{4}$ -----	1.268	1.256
64 -----	1.287	1.274
64 $\frac{1}{4}$ -----	1.308	1.294
64 $\frac{1}{2}$ -----	1.328	1.314
64 $\frac{3}{4}$ -----	1.349	1.333
65 and over -----	1.370	1.353

The fractions specified in the above table shall be reduced by one-third as applied to that part of final compensation which does not exceed four hundred dollars (\$400) per month for service in any period after the effective date of coverage

of the member under the federal system and prior to the termination of the federal-state agreement with respect to the coverage group to which he belongs.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendments to its contract made in the manner prescribed for approval of contracts or, in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

CHAPTER 768

An act to add Section 24529.1 to the Education Code, relating to the State College Revenue Bond Act of 1947, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1970 Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24529.1 is added to the Education Code, to read:

24529.1. Notwithstanding the provisions of Sections 24503.1, 24529, and 24536, the rate of interest which bonds or notes may bear and the yield resulting to the purchaser thereof may exceed the maximum rates specified in said sections to the extent of any debt service grant applicable to such interest which the United States of America has agreed, pursuant to any federal statute, to pay with respect to the bonds or notes.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to utilize the benefits available under federal statutes providing debt service grants to assist educational institutions to reduce the cost of borrowing in the private capital market for construction or purchase of college housing and related facilities, it is necessary that the State College Revenue Bond Act of 1947 be modified. Unless this act becomes effective immediately, the construction of college housing and related facilities will be delayed, further aggravating the existing shortage of these needed facilities.

CHAPTER 769

An act to add Section 7464 to the Education Code, relating to regional occupational centers.

[Approved by Governor August 19, 1970. Filed with Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7464 is added to the Education Code, to read:

7464. (a) Any school district, located in whole or in part in a county contiguous with the Republic of Mexico, or any county superintendent of schools of a county contiguous with the Republic of Mexico, which maintains a regional occupational center may enter into a student exchange agreement with a trade and technical training school located in the Republic of Mexico. Such student exchange agreement shall permit Mexican students to take all or part of their occupational training in the regional occupational center and shall permit United States students to take all or part of their occupational training in the Mexican trade and technical school.

(b) In computing the average daily attendance of the regional occupational center, the Superintendent of Public Instruction shall include any Mexican students in attendance if all of the following conditions are met:

(1) The student exchange agreement provides as nearly as practicable for the exchange of students on a one-for-one basis between the regional occupational center and the trade and technical school.

(2) The educational services provided the United States students in Mexico are at least equivalent in quality to the services provided in the regional occupational center.

(3) The student exchange agreement has been approved by the Superintendent of Public Instruction prior to its operative date.

(c) No average daily attendance shall be credited to the regional occupational center for the United States students while in attendance at the Mexican trade and technical school.

CHAPTER 770

An act to amend Sections 37504, 37510, 37511, 37512, 37513, and 37514 of, and the headings of Part 9 (commencing with Section 37500) of, and Chapter 2 (commencing with Section 37510) of Part 9 of, Division 24 of, the Health and Safety Code, relating to housing.

[Approved by Governor August 19, 1970. Filed with Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Part 9 (commencing with Section 37500) of Division 24 of the Health and Safety Code is amended to read:

PART 9. LOW-INCOME HOME MANAGEMENT
TRAINING

SEC. 2. Section 37504 of the Health and Safety Code is amended to read:

37504. It is therefore the policy of the Legislature of the State of California to encourage local housing authorities to provide adequate training to low-income families in home management and maintenance. Supplemental financial assistance will be made available to housing authorities or other appropriate qualifying organizations for use in training low-income families and providing them with the necessary qualifications to live meaningful lives as renters or owners of low-income private accommodations.

SEC. 3. The heading of Chapter 2 (commencing with Section 37510) of Part 9 of Division 24 of the Health and Safety Code is amended to read:

CHAPTER 2. CALIFORNIA LOW-INCOME HOME
MANAGEMENT TRAINING PROGRAM

SEC. 4. Section 37510 of the Health and Safety Code is amended to read:

37510. There is hereby established the California Low-Income Home Management Training Program to be administered by the Director of Housing and Community Development pursuant to the provisions of this part.

SEC. 5. Section 37511 of the Health and Safety Code is amended to read:

37511. The Director of Housing and Community Development shall adopt such reasonable regulations concerning the California Low-Income Home Management Training Program as are necessary to reasonably implement the provisions of this part.

SEC. 6. Section 37512 of the Health and Safety Code is amended to read:

37512. The Director of Housing and Community Development, in the administration of the provisions of this part, shall consult with an advisory committee which he shall appoint and which shall serve until completion of the program. The committee shall consist of nine members. Of these, three members shall be appointed from and be representative of the following areas: one from the real estate industry, one from the savings and loan industry, and one from local government. Two members shall be appointed from the public at large. The four members added to the committee by amendments to this section enacted at the 1970 Regular Session of the Legislature

shall possess the following qualifications: one shall be experienced in the administration of low-income public housing programs, one shall be experienced in home economics, one shall be a person of low income residing in a public housing project, and one shall be a teacher of the social sciences at the college or university level.

SEC. 7. Section 37513 of the Health and Safety Code is amended to read:

37513. The Director of Housing and Community Development is authorized to make grants to any duly established housing authority or nonprofit organization or developer of housing under the provisions of any federal program intended to increase the supply of housing for families of low income, for families whose incomes for continued occupancy in public housing do not exceed the income limits of local housing authorities for the applicant community. These grants shall be made to assist in the establishment of a home management training program by the authority, nonprofit organization, or developer. To qualify for such a grant, an applicant shall submit to the director an application showing a comprehensive plan for the training and qualification of low-income families.

SEC. 8. Section 37514 of the Health and Safety Code is amended to read:

37514. The Department of Housing and Community Development shall implement this program as a pilot study, limited to housing authorities and other nonprofit organizations, and as part of the study shall select applicants from at least four major urban centers, as determined by the department, to determine the desirability of training for housing low-income families. The department shall make a final report of its findings and recommendations to the Legislature not later than March 15, 1972.

CHAPTER 771

An act to repeal Sections 12304 and 12306 of, the Health and Safety Code, and to amend Sections 189 and 12301 of, and to add Sections 12303.2, 12303.3, 12308, 12309, 12310, and 12311 to, the Penal Code, relating to destructive implements, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12304 of the Health and Safety Code is repealed.

SEC. 2. Section 12306 of the Health and Safety Code is repealed.

SEC. 3. Section 189 of the Penal Code is amended to read:

189. All murder which is perpetrated by means of a de-

destructive device or explosive, poison, lying in wait, torture, or by any other kind of willful, deliberate, and premeditated killing, or which is committed in the perpetration of, or attempt to perpetrate, arson, rape, robbery, burglary, mayhem, or any act punishable under Section 288, is murder of the first degree; and all other kinds of murders are of the second degree.

As used in this section, "destructive device" shall mean any destructive device as defined in Section 12301, and "explosive" shall mean any explosive as defined in Section 12000 of the Health and Safety Code.

SEC. 4. Section 12301 of the Penal Code is amended to read:

12301. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons:

(1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

SEC. 5. Section 12303.2 is added to the Penal Code, to read:

12303.2. Every person who recklessly or maliciously has in his possession any destructive device or any explosive on a public street or highway, in or near any theater, hall, school, college, church, hotel, other public building, or private habitation, in, on, or near any aircraft, railway passenger train, car, cable road or cable car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of a felony, and shall be punishable by imprisonment in the state prison for a period of not less than five years.

SEC. 6. Section 12303.3 is added to the Penal Code, to read:
12303.3. Every person who possesses, explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to injure, intimidate, or terrify any person, or with intent to wrongfully injure or destroy any property, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of not less than five years.

SEC. 7. Section 12308 is added to the Penal Code, to read:
12308. Every person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive with intent to commit murder is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of not less than 10 years.

SEC. 8. Section 12309 is added to the Penal Code, to read:
12309. Every person who willfully and maliciously explodes or ignites any destructive device or any explosive which causes bodily injury to any person is guilty of a felony, and shall be punished by imprisonment in the state prison for a period of not less than 15 years.

SEC. 9. Section 12310 is added to the Penal Code, to read:
12310. Every person who willfully and maliciously explodes or ignites any destructive device or any explosive which causes mayhem or great bodily injury to any person is guilty of a felony, and shall be punished by death or imprisonment in the state prison for life. The punishment shall be determined in the manner provided for in Section 190.1.

SEC. 10. Section 12311 is added to the Penal Code, to read:
12311. No person convicted of a violation of this chapter shall be granted probation, and the execution of the sentence imposed upon such person shall not be suspended by the court.

SEC. 11. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Bombings of buildings have taken place at an increased rate recently, and in order to deter such acts, which endanger many lives and cause extremely severe damage to property, it is necessary that this act go into effect immediately.

CHAPTER 772

An act to amend Sections 263.1 and 263.8 of the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.1 of the Streets and Highways Code is amended to read:

263.1. The state scenic highway system shall include: Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 247, 268, 480, and 580 in their entirety.

SEC. 2. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include: Route 198 from:

- (a) Route 101 near San Lucas to Route 33 near Coalinga.
- (b) Route 33 near Oilfields to Route 5.
- (c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from:

- (a) Route 92 near Crystal Springs Lake to Route 35 near San Andreas Lake.

- (b) Route 480 in San Francisco to Route 80 near First Street in San Francisco.

Route 299 from:

- (a) Route 101 near Arcata to Route 96 near Willow Creek.
- (b) Route 3 near Weaverville to Route 5 near Redding.
- (c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 680 from the Santa Clara-Alameda county line to the Alameda-Contra Costa county line.

SEC. 3. Section 263.8 of the Streets and Highways Code is amended to read:

263.8. The state scenic highway system shall also include:

Route 198 from:

- (a) Route 101 near San Lucas to Route 33 near Coalinga.
- (b) Route 33 near Oilfields to Route 5.
- (c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from Route 17 in Santa Clara County to Route 80 near First Street in San Francisco.

Route 299 from:

- (a) Route 101 near Arcata to Route 96 near Willow Creek.
- (b) Route 3 near Weaverville to Route 5 near Redding.
- (c) Route 89 near Burney to Route 139 near Canby.

Route 395 from Route 14 near Little Lake to Route 89 near Coleville.

Route 680 from the Santa Clara-Alameda county line to the Alameda-Contra Costa county line.

SEC. 4. It is the intent of the Legislature, if amendments to Section 263.8 of the Streets and Highways Code proposed by both this bill and A.B. 358 are enacted, that both amendments be given effect and incorporated in Section 263.8 in the form set forth in Section 3 of this act. Therefore, in the event

A.B. 358 is enacted and amends Section 263.8, Section 3 of this act shall become operative at the same time that Section 263.8 as amended by A.B. 358 becomes operative, and at that time, Section 263.8 of the Streets and Highways Code as amended by Section 2 of this act is repealed.

CHAPTER 773

An act to amend Sections 1105, 1106, 1312, and 1322 of, and to repeal Section 1314 of, the Water Code, relating to appropriation of water.

[Approved by Governor August 19, 1970. Filed with
Secretary of State August 19, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1105 of the Water Code is amended to read:

1105. No person shall be excused from testifying or from producing any evidence in any investigation or inquiry by or hearing before the board upon the ground that the testimony or evidence required of him may tend to incriminate him or subject him to any penalty.

SEC. 2. Section 1106 of the Water Code is amended to read:

1106. No person shall be criminally prosecuted or be subjected to any criminal penalty for or on account of any act, transaction, matter, or thing material to the matter under investigation by the board concerning which he has been compelled as a witness to testify or to produce documentary evidence; but no person so testifying or producing shall be exempt from prosecution and punishment for any perjury committed by him in his testimony.

SEC. 3. Section 1312 of the Water Code is amended to read:

1312. The notice shall be published at the expense of the applicant at least once a week for three consecutive weeks, commencing within 20 days of the date of issuance of the notice, in a newspaper having a general circulation and published within the county wherein the point of diversion lies, or, if there are points of diversion in more than one county, in each county in which a point of diversion lies.

SEC. 4. Section 1314 of the Water Code is repealed.

SEC. 5. Section 1322 of the Water Code is amended to read:

1322. The applicant shall post the notice within 20 days of the date of issuance thereof in at least two conspicuous places in the locality to be affected by the proposed appropriation.

CHAPTER 774

An act to amend Section 19971 of, to add Section 19985 to, and to repeal Section 19973 of, the Health and Safety Code, relating to housing.

[Approved by Governor August 19, 1970. Filed with Secretary of State August 19, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19971 of the Health and Safety Code is amended to read:

19971. "Factory-built housing" means a residential building, dwelling unit or an individual dwelling room or combination of rooms thereof, including units designed for use as part of an institution for resident or patient care, which is either wholly manufactured or is in substantial part manufactured at an offsite location to be wholly or partially assembled on site in accordance with regulations adopted by the commission pursuant to Section 19990.

SEC. 2. Section 19973 of the Health and Safety Code is repealed.

SEC. 3. Section 19985 is added to the Health and Safety Code, to read:

19985. If the commission determines that standards for the manufacture of factory-built housing, which have been prescribed by the statutes or rules and regulations of other states, are at least equal to the standards prescribed by the commission, the commission may so provide by regulation. Any factory-built housing which a state has approved as meeting its standards for manufacture shall be deemed to meet the standards of the department, if the commission determines that the standards of such other state are actually being enforced.

CHAPTER 775

An act to amend Sections 1000 and 1040 of the Probate Code, relating to estates.

[Approved by Governor August 20, 1970. Filed with Secretary of State August 20, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1000 of the Probate Code is amended to read:

1000. When two months have elapsed after the first publication of notice to creditors and upon bond—or with or without bond, as the court determines, when the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage,

or otherwise, but the estate is not in a condition to be finally closed and distributed—the executor or administrator, or any heir, devisee or legatee, or the assignee, grantee or successor in interest of any heir, devisee, or legatee, may petition the court for distribution of a legacy, devise or share of the estate or any portion or portions thereof to which he is entitled or a payment on account of the legacies to the heirs, devisees or legatees or any assignees, grantees or successors in interest or where there are priorities, to those of the class or classes having priorities; or, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and such will has been admitted to probate in this state pursuant to Article 4 (commencing with Section 360) of Chapter 1 of Division 3 of this code, or if he died intestate, and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in this state should be delivered to the executor or administrator in the state of the decedent's residence, the executor or administrator may petition the court for an order authorizing the delivery of such portion of the estate as the court shall deem safe and proper and for the best interests of the estate, to the executor or administrator in the state of decedent's residence.

The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. Any person interested in the estate or any coexecutor or coadministrator may resist the application.

SEC. 2. Section 1040 of the Probate Code is amended to read:

1040. Upon application for distribution after final settlement of the accounts of the executor or administrator, if the decedent was a nonresident and left a will which has been duly proved or allowed in the state of his residence, and such will has been admitted to probate in this state pursuant to Article 4 (commencing with Section 360) of Chapter 1 of Division 3 of this code, or if he died intestate, and an administrator has been duly appointed and qualified in the state of his residence, and it is necessary in order that the estate, or any part thereof, may be distributed according to the will, or it is for the best interests of the estate, that the estate in this state or any part thereof should be delivered to the executor or administrator in the state of the decedent's residence, the court may order such delivery to be made, and, if necessary, direct a sale of the real property and a like delivery of the proceeds. Such sale must be made in the same manner as other sales of real property of decedents.

CHAPTER 776

An act to place an amendment to the Constitution on the ballot for the general election to be held on Tuesday, November 3, 1970, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1970. Filed with Secretary of State August 20, 1970.]

The people of the State of California do enact as follows:

SECTION 1. (a) There shall be submitted to the people at the general election, to be held on the third day of November, 1970, the constitutional amendment to amend Section 8 of Article IX, and to add subdivision (7) to Section 21 of Article XIII, of the Constitution to authorize financial arrangements for the services and facilities of nonprofit institutions of higher education in the public interest as proposed by Assembly Constitutional Amendment No. 47 of the 1970 Regular Session of the Legislature. Except as otherwise provided in this section, all of the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature and to arguments for and against such measures shall apply to the measure submitted pursuant to this section.

(b) Within five days after the effective date of this section or within five days after the adoption by the Legislature of Assembly Constitutional Amendment No. 47, whichever occurs later, the author and first coauthor of the constitutional amendment and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to draft the argument for the adoption of the measure. If the constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State within two days after the date of such appointment.

(c) Upon the effective date of this section the Secretary of State shall request the Attorney General to prepare a ballot title for the measure submitted pursuant to this section and shall also request the Legislative Counsel to prepare an analysis of said measure in accordance with Section 3566 of the Elections Code. Said title and said analysis shall be filed with the Secretary of State within two days after the effective date of this section or within two days after the adoption by the Legislature of Assembly Constitutional Amendment No. 47, whichever occurs later. The measure submitted pursuant to

this section shall be designated on the ballots at the election by its ballot title.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to place the necessary constitutional provisions on the ballot at the earliest possible time to enable the Legislature, in the public interest, to make appropriations and to authorize use of public money for the purpose of utilizing or supporting for public nonsectarian educational purposes the services and facilities of nonprofit institutions of higher education, it is necessary that this act go into immediate effect.

CHAPTER 777

An act to add Sections 17254 and 17711 to the Education Code, relating to financial support of the public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 20, 1970. Filed with Secretary of State August 20, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17254 is added to the Education Code, to read:

17254. Whenever the assessed valuation of a school district is reduced as a result of the operation of Section 992 of the Revenue and Taxation Code, the school district shall receive replacement revenue from the state for the loss of revenue to the district.

A school district shall be eligible for replacement revenue when the assessed valuation exempted as the result of the operation of Section 992 of the Revenue and Taxation Code is 30 percent or more of the district's assessed valuation in the 1970-1971 fiscal year. A school district shall be ineligible for replacement revenue when its assessed valuation has increased 250 percent or more over the 1970-1971 fiscal year assessed valuation.

SEC. 2. Section 17711 is added to the Education Code, to read:

17711. The Superintendent of Public Instruction shall, in computing district aid, add the amount of assessed valuation which was the basis for the allocation of state replacement funds pursuant to Section 17254 to the actual assessed valuation of the district before computing apportionments to the district.

SEC. 3. (a) There is hereby appropriated to the Controller from the Property Tax Relief Fund created by Section

152 of Chapter 963 of the Statutes of the 1967 Regular Session of the Legislature so much as may be necessary to make allocations pursuant to Section 17254 of the Education Code according to the terms and conditions herein set forth to school districts which have lost revenue by reason of the operation of Section 992 of the Revenue and Taxation Code.

(b) Upon, and only upon, application by an eligible school district, determined pursuant to Section 17254 of the Education Code, the Controller shall determine replacement revenue for the loss occasioned by the operation of Section 992 of the Revenue and Taxation Code by multiplying the current tax rate of the school district times each one hundred dollars (\$100) of the loss in assessed valuation attributable to wine, winery products, or brandy, and shall pay to the school district the amount so computed.

(c) For the purposes of the computation under subdivision (b) of this section, the loss in assessed valuation of wine, winery products, and brandy shall be the average assessed value of such property which would not have been taxable by the school district if Section 992 of the Revenue and Taxation Code had been in effect during the four-year period including and ending with the 1969-1970 fiscal year. The county auditor shall compute the loss and certify the amount of the loss to the Controller.

(d) Application for the replacement revenue shall be made on or before September 15th with respect to losses to be occasioned in the fiscal year and payments shall be made on or before November 1st of the same calendar year.

SEC. 4. (a) There is hereby appropriated to the Controller from the General Fund so much as may be necessary to make allocations pursuant to Section 17254 of the Education Code according to the terms and conditions herein set forth to school districts which have lost revenue by reason of the operation of Section 992 of the Revenue and Taxation Code. This appropriation shall be without regard to fiscal year.

(b) Upon, and only upon, application by an eligible school district, determined pursuant to Section 17254 of the Education Code, the Controller shall determine replacement revenue for the loss occasioned by the operation of Section 992 of the Revenue and Taxation Code by multiplying the current tax rate of the school district times each one hundred dollars (\$100) of the loss in assessed valuation attributable to wine, winery products, or brandy, and shall pay to the school district the amount so computed.

(c) For the purposes of the computation under subdivision (b) of this section, the loss in assessed valuation of wine, winery products, and brandy shall be the average assessed value of such property which would not have been taxable by the school district if Section 992 of the Revenue and Taxation Code had been in effect during the four-year period including and ending with the 1969-1970 fiscal year. The county auditor

shall compute the loss and certify the amount of the loss to the Controller.

(d) Application for the replacement revenue shall be made on or before September 15th with respect to losses to be occasioned in the fiscal year and payments shall be made on or before November 1st of the same calendar year.

SEC. 5. The provisions of this act shall not be construed as impairing or otherwise affecting the validity of any school district budget proceeding undertaken pursuant to Division 16 (commencing with Section 20501) of the Education Code for the fiscal year 1970-1971. Notwithstanding the provisions of Sections 20951 and 21001, and any other provisions of the Education Code to the contrary, the governing board of any school district may budget and use any unbudgeted apportionments from the Property Tax Relief Fund or the General Fund provided during the 1970-1971 fiscal year pursuant to the provisions of this act without repetition of any publication or other budgeting procedures which would otherwise be required.

SEC. 6. Section 4 of this act shall take effect only in the event that Assembly Bill No. 1001 is enacted at the 1970 Regular Session and repeals Section 16100 of the Government Code, in which case Section 3 of this act is repealed.

SEC. 7. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for school districts in which the assessed property valuation is attributable to wine, winery products, or brandy may make timely application for, and receive, replacement revenue for losses occasioned during the fiscal year, it is necessary that this act take immediate effect.

CHAPTER 778

An act to add Sections 39069, 39070, 39071, 39072, 39073, and 39074 to the Health and Safety Code, and to add Article 8.5 (commencing with Section 5100) to Chapter 1 of Division 3 of the Vehicle Code, relating to environmental protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1970. Filed with Secretary of State August 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39069 is added to the Health and Safety Code, to read:

39069. There is established in this state the California Environmental Protection Program, which shall be concerned

with preserving and the protection of California's environment, including, but not limited to, the control and abatement of air pollution generated by motor vehicles. All phases of research into the sources, dynamics and effects of environmental pollutants generated by motor vehicles shall fall within the purview of the program.

SEC. 2. Section 39070 is added to the Health and Safety Code, to read:

39070. The Secretaries of the Resources and Business and Transportation Agencies are responsible for the development of the California Environmental Protection Program and the determination of the priorities of such program.

SEC. 3. Section 39071 is added to the Health and Safety Code, to read:

39071. The California Environmental Protection Program Fund is hereby created in the State Treasury consisting of the moneys deposited in the fund pursuant to Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. Amounts equal to the actual costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Article 8.5 are hereby continuously appropriated from the fund to the department, and shall be transferred to, and in augmentation of, the appropriation from which such costs were paid. The balance of the moneys in such fund shall be available for expenditure for the purposes and uses of the California Environmental Protection Program upon appropriation by the Legislature.

SEC. 4. Section 39072 is added to the Health and Safety Code, to read:

39072. The secretaries may recommend an apportionment of any funds contained in the California Environmental Protection Program Fund among various state agencies, local political subdivisions, the University of California, and any private research organization as shall effectuate the purposes of the program.

SEC. 5. Section 39073 is added to the Health and Safety Code, to read:

39073. The secretaries may recommend an allocation of any funds to carry out projects within the program, including, but not limited to, capital outlay projects.

SEC. 6. Section 39074 is added to the Health and Safety Code, to read:

39074. The funds provided for in Section 39071 may be used in a manner which will allow the state to qualify for any funds which may be available from any source for the purpose of carrying out the provisions of this chapter.

SEC. 7. Article 8.5 (commencing with Section 5100) is added to Chapter 1 of Division 3 of the Vehicle Code, to read:

Article 8.5. Personalized License Plates

5100. The purpose of this article is to provide revenue for the California Environmental Protection Program Fund.

5101. Any person who is the registered owner of a passenger motor vehicle registered with the department or who makes application for an original registration of a passenger motor vehicle or renewal registration of a passenger motor vehicle may, upon payment of the fee prescribed in Section 5106 of this article, apply to the department for personalized license plates, in the manner prescribed in Section 5105, which plates shall be affixed to the passenger motor vehicle for which registration is sought in lieu of the regular license plates.

5102. The personalized license plates shall be the same color and design as regular passenger motor vehicle license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions, provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of Section 4851.

5103. "Personalized license plates," as used in this article, means license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle.

5104. Personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed.

5105. An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this article shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in Article 8 (commencing with Section 5000) of Chapter 1 of Division 3.

5106. In addition to the regular registration fee, the applicant shall be charged a fee of thirty-five dollars (\$35). In addition to the regular renewal fee, the applicant for a renewal of such plates shall be charged an additional fee of ten dollars (\$10).

5107. All revenue derived from the fees provided for in Sections 5106 and 5108 shall be deposited in the California Environmental Protection Program Fund.

5108. Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired passenger motor vehicle, a transfer fee of twelve dollars (\$12) shall be charged in addition to all other appropriate fees.

5109. When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of

the vehicle upon which the personalized licensed plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to Section 5108 or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates.

5110. The director may establish such rules and regulations as may be necessary to carry out the purposes of this article.

SEC. 8. Any reference in any law to the California Environmental Protection Program Fund created by Senate Bill No. 262 of the 1970 Regular Session of the Legislature shall be deemed to refer to such fund as created by either Senate Bill No. 262 or Assembly Bill No. 522 of the 1970 Regular Session of the Legislature, or both.

SEC. 9. This act shall be known and be cited as the Badham-Marks Environmental Protection and Research Act.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Motor vehicles are a major contributor to air pollution in this state, and the need to abate such pollution is growing greater each day. Only through research into all phases of this problem can we take a giant step to preserving and protecting California's environment and the health of the people of this state. The program established under this act will serve as an instrument to solve this serious and dangerous problem. It is therefore necessary that the legislation which establishes such programs be given effect immediately.

CHAPTER 779

An act to add Sections 39069, 39070, 39071, 39072, 39073, and 39074 to the Health and Safety Code, and Article 8.5 (commencing with Section 5100) to Chapter 1 of Division 3 of the Vehicle Code, relating to environmental protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1970. Filed with
Secretary of State August 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 39069 is added to the Health and Safety Code, to read:

39069. There is established in this state the California Environmental Protection Program, which shall be concerned with preserving and the protection of California's environment, including, but not limited to, the control and abatement of air pollution generated by motor vehicles. All phases of research into the sources, dynamics and effects of environmental

pollutants generated by motor vehicles shall fall within the purview of the program.

SEC. 2. Section 39070 is added to the Health and Safety Code, to read:

39070. The Secretaries of the Resources and Business and Transportation Agencies are responsible for the development of the California Environmental Protection Program and the determination of the priorities of such program.

SEC. 3. Section 39071 is added to the Health and Safety Code, to read:

39071. The California Environmental Protection Program Fund is hereby created in the State Treasury consisting of the moneys deposited in the fund pursuant to Article 8.5 (commencing with Section 5100) of Chapter 1 of Division 3 of the Vehicle Code. Amounts equal to the actual costs incurred by the Department of Motor Vehicles in performing its duties pursuant to Article 8.5 are hereby continuously appropriated from the fund to the department, and shall be transferred to, and in augmentation of, the appropriation from which such costs were paid. The balance of the moneys in such fund shall be available for expenditure for the purposes and uses of the California Environmental Protection Program upon appropriation by the Legislature.

SEC. 4. Section 39072 is added to the Health and Safety Code, to read:

39072. The secretaries may recommend an apportionment of any funds contained in the California Environmental Protection Program Fund among various state agencies, local political subdivisions, the University of California, and any private research organization as shall effectuate the purposes of the program.

SEC. 5. Section 39073 is added to the Health and Safety Code, to read:

39073. The secretaries may recommend an allocation of any funds to carry out projects within the program, including, but not limited to, capital outlay projects.

SEC. 6. Section 39074 is added to the Health and Safety Code, to read:

39074. The funds provided for in Section 39071 may be used in a manner which will allow the state to qualify for any funds which may be available from any source for the purpose of carrying out the provisions of this chapter.

SEC. 7. Article 8.5 (commencing with Section 5100) is added to Chapter 1 of Division 3 of the Vehicle Code, to read:

Article 8.5. Personalized License Plates

5100. The purpose of this article is to provide revenue for the California Environmental Protection Program Fund.

5101. Any person who is the registered owner of a passenger motor vehicle registered with the department or who makes application for an original registration of a passenger motor vehicle or renewal registration of a passenger motor vehicle

may, upon payment of the fee prescribed in Section 5106 of this article, apply to the department for personalized license plates, in the manner prescribed in Section 5105, which plates shall be affixed to the passenger motor vehicle for which registration is sought in lieu of the regular license plates.

5102. The personalized license plates shall be the same color and design as regular passenger motor vehicle license plates, and shall consist of numbers or letters, or any combination thereof not exceeding six positions and not less than two positions, provided that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of Section 4851.

5103. "Personalized license plates," as used in this article, means license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle.

5104. Personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed.

5105. An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this article shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a registration number. There shall be no duplication of registration numbers, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in Article 8 (commencing with Section 5000) of Chapter 1 of Division 3.

5106. In addition to the regular registration fee, the applicant shall be charged a fee of twenty-five dollars (\$25). In addition to the regular renewal fee, the applicant for a renewal of such plates shall be charged an additional fee of ten dollars (\$10).

5107. All revenue derived from the fees provided for in Sections 5106 and 5108 shall be deposited in the California Environmental Protection Program Fund.

5108. Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired passenger motor vehicle, a transfer fee of twelve dollars (\$12) shall be charged in addition to all other appropriate fees.

5109. When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized licensed plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to Section 5108 or he shall surrender such plates to the depart-

ment forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates.

5110. The director may establish such rules and regulations as may be necessary to carry out the purposes of this article.

SEC. 8. Any reference in any law to the California Environmental Protection Program Fund created by Senate Bill No. 262 of the 1970 Regular Session of the Legislature shall be deemed to refer to such fund as created by either Senate Bill No. 262 or Assembly Bill No. 522 of the 1970 Regular Session of the Legislature, or by both.

SEC. 9. This act shall be known and may be cited as the Marks-Badham Environmental Protection and Research Act.

SEC. 10. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Motor vehicles are a major contributor to air pollution in this state, and the need to abate such pollution is growing greater each day. Only through research into all phases of this problem can we take a giant step to preserving and protecting California's environment and the health of the people of this state. The program established under this act will serve as an instrument to solve this serious and dangerous problem. It is therefore necessary that the legislation which establishes such programs be given effect immediately.

CHAPTER 780

An act to amend Sections 15505 and 15512 of the Education Code, relating to public school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1970 Filed with
Secretary of State August 21, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 15505 of the Education Code is amended to read:

15505. If the district does not have sufficient funds available to permit the governing board of the district to proceed with the repair, reconstruction, or replacement of the building or buildings, the governing board shall within 12 months after receiving the report of the examination of the building or buildings, call an election. At such election there shall be submitted to the qualified electors of the district either proposition (a) or (b), or both propositions (a) and (b), as determined by the governing board of the district, as follows:

(a) (1) Authorization of bonds of the district in an amount sufficient, as shown by the estimate, to provide funds for the repair, or reconstruction, of the building or buildings, in accordance with the governing board's plan; or

(2) Authorization of bonds of the district in an amount sufficient as shown by the estimate obtained by the district to construct new school facilities on the site of one or more of the unfit building or buildings, or on other sites, in accordance with the governing board's plan.

(b) Authorization of the increase of the maximum tax rate of the district for such length of time as will permit raising sufficient funds by district taxation for the repair, reconstruction, or replacement of the building in accordance with the governing board's plan.

In connection with the submission of either proposition (a) or (b), or both propositions (a) and (b), the governing board of the district may submit to the qualified electors of the district a proposition for the abandonment of the building and the use of tents or other temporary structures for school purposes in lieu of the building abandoned.

Neither of the propositions under (a) and (b) shall be required to make provision for financing of the entire repair, reconstruction or replacement program of the district, but shall at least provide funds for commencement of such repair, reconstruction or replacement, consistent with the governing board's plan.

SEC. 2. Section 15512 of the Education Code is amended to read:

15512. The governing board of each school district required to act pursuant to Section 15503 shall, within 12 months after receiving the report of the examination of the building or buildings, place on file with the Bureau of School Planning within the Department of Education a summary of all reports of examinations and estimates relating to school buildings which have not been repaired, reconstructed or replaced in accordance with law, including a summary of previous elections held and actions taken concerning this matter, if any, and a statement of intentions to repair, reconstruct or replace such buildings which shall constitute the governing board's plan. The plan shall include the approximate date it is contemplated that such actions to repair, reconstruct or replace each such building will occur.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to preclude the necessity on the part of school districts having to hold elections this year, elections which they would not have to hold under the provisions of this act, in regards to the method of raising the necessary funds for the replacement or reconstruction of school buildings not constructed in conformance with the standards of the Field Act, it is necessary that this act take effect immediately.

CHAPTER 781

An act to amend Sections 10219 and 10301 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 21, 1970. Filed with Secretary of State August 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10219 of the Elections Code is amended to read:

10219. Except in cases provided for by subdivision (d) of Section 16 of Article VI of the Constitution, immediately under the name of each candidate and not separated from the name by any line, may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not re-elected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature," or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate; provided, however, that if a candidate ceases to engage in a particular profession, vocation or occupation 59 days or more prior to the general election, he may not designate that profession, vocation or occupation on the general election ballot.

The designation shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper, the officer in charge of the election finds the wording to be different than that upon the registration affidavit, he

shall notify the candidate by registered mail, return receipt requested. The candidate, shall within three days from the date of receipt of the notice appear before the officer and re-register to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days, the officer shall leave the designation under his name blank (no designation). No candidate shall assume a designation which would mislead the voters.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 2. Section 10301 of the Elections Code is amended to read:

10301. Immediately under the name of each candidate and not separated from the name by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the elective city, county, district, federal, or state office which the candidate then holds at the time of filing his nomination papers to which he was elected by vote of the people or to which he was appointed to fill a vacancy; provided, however, that if his term of office expires 59 days or more prior to the general election, and he is not re-elected or reappointed, he may not designate that office on the general election ballot.

In addition to the foregoing, Members of the Senate of the State of California may use either of the following designations: "State Senator, _____ District, California Legislature" or "Member of California Senate, _____ District," or any other appropriate designation, the blanks to be filled with the appropriate district number.

Members of the Assembly may use either of the following designations: "Assemblyman, _____ District, California Legislature" or "Member of the Assembly, _____ District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.

(b) If the candidate is a candidate for the same office which he then holds, and only in that event, the word "incumbent," except that with respect to Members of the State Senate and Assembly, there may appear, in addition to the word "incumbent," one of the applicable designations in subdivision (a).

(c) No more than three words designating the principal professions, vocations or occupations of the candidate; provided, however, that if a candidate ceases to engage in a particular profession, vocation or occupation 59 days or more prior to the general election, he may not designate that profession, vocation or occupation on the general election ballot.

The designation shall be the same as appears in the affidavit of registration of the candidate. If upon checking the nomination paper the officer in charge of the election finds the wording to be different than that upon the registration affidavit of the candidate, he shall notify the candidate by registered mail, return receipt requested. The candidate shall within three

days from the date of receipt of the notice appear before the officer and reregister to conform with the request for the designation that appears on his nomination paper. If the candidate does not appear within three days the officer shall leave the designation under his name blank (no designation).

No candidate shall assume a designation which would mislead the voters. Except as provided in subdivision (a) or subdivision (c), the designation shall remain the same for all purposes of both primary and general elections unless the candidate, at least 59 days prior to the general election, requests in writing a different designation which he then has the option to use under Section 10219.

Any candidate at the direct primary election who is elected at a special election held to fill a vacancy in the office for which he is a candidate or in any other office, and who receives his certificate of election and takes his oath of office, may use any appropriate designation as set forth in Section 10219 on the general election ballot, regardless of the designation he may have used on the direct primary election ballot.

In all cases words so used shall be printed in eight-point roman boldface capitals and lowercase type.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

This statute must take immediate effect in order to prevent misleading ballot designations on the 1970 general election ballot.

CHAPTER 782

An act to add Article 5.5 (commencing with Section 11922) to Chapter 10 of Part 3 of Division 6 of the Water Code, relating to financing a program of planning and developing recreation and fish and wildlife enhancement in connection with state water projects by providing the funds necessary therefor through the issuance and sale of bonds of the State of California, providing for the handling and disposition of such funds, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November 1970.

[Approved by Governor August 21, 1970. Filed with
Secretary of State August 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 5.5 (commencing with Section 11922) is added to Chapter 10 of Part 3 of Division 6 of the Water Code, to read:

**Article 5.5. Recreation and Fish and
Wildlife Enhancement Bond Act**

11922. The Legislature finds and declares that due to insufficient funds recreation and fish and wildlife enhancement facilities of state water projects are generally inadequate to accommodate the demands made upon them at the present time and will become critically inadequate as time progresses and that this condition is not in accordance with the policy of the Legislature as set forth in Sections 11900 and 11901.

11922.1. The Legislature further finds and declares that a guaranteed source of funding is necessary in order to carry out the intent of this chapter.

11922.2. The purpose of this article is to provide funds to assist in meeting the costs of planning and developing facilities for recreation and fish and wildlife enhancement in connection with state water projects pursuant to the provisions of this chapter as the same may now or hereafter be amended.

Funds made available pursuant to this article shall only be used for facilities of the State Water Facilities as defined in subdivision (d) of Section 12934.

11922.3. The expenditures of the proceeds of bonds issued pursuant to this article shall be as hereafter provided by the Legislature. All proposed appropriations for the program contemplated by this article shall be included in a section in the Budget Bill for each fiscal year for consideration by the Legislature, and shall bear the following caption: "Recreation and Fish and Wildlife Enhancement Bond Act Program." Such section shall contain separate items for each project for which an appropriation is made, except Wildlife Conservation Board projects which are developed cooperatively with and maintained by local government. Wildlife Conservation Board Bond Act projects shall be subject to existing statutory procedures and legislative review and shall be listed in the Wildlife Conservation Board's annual report as the: "Recreation and Fish and Wildlife Enhancement Bond Act Program". Such appropriations shall be subject to all of the limitations contained in the Budget Bill and to all other fiscal procedures prescribed by law with respect to the expenditure of state funds. Such section shall contain proposed appropriations only for the programs contemplated by this article, and, except as otherwise provided, no funds derived from the bonds authorized by this article may be expended pursuant to an appropriation not contained in such section of the Budget Act.

11922.4. Bonds in the total amount of sixty million dollars (\$60,000,000), or so much thereof as is necessary, of which not more than fifty-four million dollars (\$54,000,000) shall be allocated to the Department of Parks and Recreation for the design and construction of recreation facilities and not more than six million dollars (\$6,000,000) shall be allocated to the Department of Fish and Game and the Wildlife Conservation Board for design and construction of fish and wildlife enhancement features and fishing access sites pursuant to

this chapter, may be issued and sold to provide a fund to be used for carrying out the purposes of this article and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. Such bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California are hereby pledged for the punctual payment of both principal and interest on such bonds as such principal and interest become due and payable.

11922.5. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to this article, as such principal and interest become due and payable. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, such sum in addition to the ordinary revenues of the state as shall be required to pay the principal and interest on such bonds maturing in such year, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of such revenue to do and perform each and every act which shall be necessary to collect such additional sum.

11922.6. The proceeds of bonds issued and sold pursuant to this article, together with interest earned thereon, if any, shall be deposited in the Recreation and Fish and Wildlife Enhancement Fund, which fund is hereby created. All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

11922.7. The Recreation and Fish and Wildlife Enhancement Finance Committee is hereby created to carry out the purposes of this article. The committee consists of the Governor or his designee, the State Controller, the Director of Finance, the State Treasurer, and the Secretary for Resources. As used in this article, and for the purposes of this article as used in the State General Obligation Bond Law, "committee" means the Recreation and Fish and Wildlife Enhancement Finance Committee. The Secretary of the Resources Agency is hereby designated as the board for the purposes of this article and for the purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code).

11922.8. Insofar as it is not inconsistent with the express provisions of this article, the State General Obligation Bond Law [Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the Government Code], is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article.

11922.9. For the purposes of carrying out the provisions of this article the Director of Finance may, by executive order, authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purposes of carrying out this article. Any amounts withdrawn shall be deposited in the Recreation and Fish and Wildlife Enhancement Fund. Any moneys made available under this section shall be returned to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out the provisions of this article.

SEC. 2. Section 1 of this act shall take effect upon adoption by the people of the Recreation and Fish and Wildlife Enhancement Bond Act, as set forth in Section 1 of this act. Sections 3 and 4 of this act contain provisions relating to and necessary for the submission of the Recreation and Fish and Wildlife Enhancement Bond Act to the people and for returning, canvassing, and proclaiming the votes thereon, and shall take effect immediately; provided, however, that the Recreation and Fish and Wildlife Enhancement Bond Act as set forth in Section 1 of this act shall not be submitted to the people at any time unless this act is approved by two-thirds or more of the members elected to each house of the Legislature.

SEC. 3. The Recreation and Fish and Wildlife Enhancement Bond Act, as set forth in Section 1 of this act, shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November 1970, and all ballots of such election shall have printed thereon and in a square thereof, the words: "For the Recreation and Fish and Wildlife Enhancement Bond Act," and in the same square under such words the following in eight-point type: "This act provides for a bond issue of sixty million dollars (\$60,000,000) to be used to meet the recreation and fish and wildlife enhancement requirements of the people of this state by planning and developing facilities for recreation and fish and wildlife enhancement purposes." In the square immediately below the square containing such words, there shall be printed on such ballot the words: "Against the Recreation and Fish and Wildlife Enhancement Bond Act," and in the same square immediately below such words, in eight-point type shall be printed: "This act provides for a bond issue of sixty million dollars (\$60,000,000) to be used to meet the recreation and fish and wildlife enhancement requirements of the people of this state by planning and developing facilities for recreation and fish and wildlife enhancement purposes." Opposite the words "For the Recreation and Fish and Wildlife Enhancement Bond Act", and "Against the Recreation and Fish and Wildlife Enhancement Bond Act," there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against such act, and those voting

for such act shall do so by placing a cross opposite the words "For the Recreation and Fish and Wildlife Enhancement Bond Act", and those voting against such act shall do so by placing a cross opposite the words: "Against the Recreation and Fish and Wildlife Enhancement Bond Act". Provided, that where the voting of such election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voters' choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for such election.

SEC. 4. The votes cast for or against the Recreation and Fish and Wildlife Enhancement Bond Act shall be counted, returned and canvassed and declared in the same manner, and subject to the same rules as votes cast for state officers; and if it appears that this act shall have received a majority of all the votes cast for and against it at such election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

CHAPTER 783

An act to add Chapter 7 (commencing with Section 31460) to Division 17 of the Streets and Highways Code, relating to the Colorado River Toll Bridge Compact.

[Approved by Governor August 21, 1970. Filed with
Secretary of State August 21, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 31460) is added to Division 17 of the Streets and Highways Code, to read:

CHAPTER 7. COLORADO RIVER TOLL BRIDGE COMPACT

31460. The Legislature of the State of California hereby ratifies the Colorado River Toll Bridge Compact as set forth in Section 31461. The provisions of the compact shall become the law of this state upon the compact becoming operative as provided in Article X of the compact.

31461. The provisions of the Colorado River Toll Bridge Compact are as follows:

Article I. General Provisions

A. This compact may be cited as the Colorado River Toll Bridge Compact.

B. Unless the particular provision or the context otherwise requires, the general provisions set forth in this article shall govern the construction of this compact.

C. "Authority" means the Colorado River Toll Bridge Authority.

D. "Toll bridge" means the bridge crossing the Colorado River near Needles, California, at a point between the location of the present Bureau of Reclamation bridge and a point $2\frac{1}{2}$ miles upstream, which the authority is authorized to finance, construct, operate, and maintain as a toll facility pursuant to this compact, and includes all appurtenances and additions, alterations, or improvements thereto or replacements thereof, the approaches thereto, all lands and interest used therefor, and buildings and improvements thereon.

E. "Bond" means any written evidence of indebtedness which the authority may issue pursuant to this compact in order to secure funds with which to carry out the purpose of this compact.

F. "Public entity" means any city, county, public or municipal corporation, district, or political subdivision of either the State of California or the State of Arizona.

G. Nothing in this compact prevents the state from making appropriations from time to time in aid of the construction of the toll bridge or other improvements, acquisition of franchises or rights appurtenant thereto, meeting expenses of making preliminary surveys, plans, and estimates of the cost thereof, and meeting other preliminary expenses as the Legislatures deem proper.

Article II. Organization of the Authority

A. The Colorado River Toll Bridge Authority is hereby created.

B. The authority shall be governed by a board consisting of seven members. Five of these members, to be known as the "appointed members," shall be residents and taxpayers who live within a 15-mile radius of the City Hall of Needles, California. Two of the appointed members shall be appointed by the Board of Supervisors of Mohave County, Arizona, from the Mohave Valley area. Two of the appointed members shall be appointed by the Board of Supervisors of San Bernardino County from the Needles, California area. One of the appointed members, who shall serve as chairman of the board, shall be appointed jointly by the San Bernardino County and Mohave County Boards of Supervisors. The appointed members shall serve for terms of four years.

The Supervisor of the First Supervisorial District of San Bernardino County, or his duly appointed representative, and the Supervisor of the First Supervisorial District of Mohave

County, or his duly appointed representative, shall be *ex officio* members of the board.

C. Any appointed member may be removed by a two-thirds vote of the board, subject to the approval of the San Bernardino County and Mohave County Boards of Supervisors.

D. Vacancy on the board caused by the resignation, death, or incapacity of, or change of residence from the area of his appointment by, an appointed member shall be filled by the appointive power for that vacated position from the required residence area.

E. All of the members of the authority and the executive secretary and secretary employed by the authority shall receive a per diem of twenty-five dollars (\$25) for each meeting, not to exceed three meetings per month.

F. A majority of the members of the authority may act for the authority.

G. The authority may employ an executive secretary, a secretary, a treasurer, an attorney, a chief engineer, and such other persons as are necessary to enable it properly to perform the duties imposed upon it by this compact.

H. The authority may sue and be sued in the name of the Colorado River Toll Bridge Authority.

Article III. General Powers and Duties of the Authority

A. The authority may study the feasibility of and plan, design, finance, construct, operate, and maintain the toll bridge, together with any necessary connections with other state highways and county roads in the area.

B. As an alternative to the construction, maintenance, and operation of the toll bridge by the authority itself, the authority may contract with a person, firm, or corporation for such construction, maintenance, and operation by him or it on behalf of the authority under such terms and conditions as the authority may prescribe, including, but not limited to, a lease-purchase arrangement with, and the issuance and transfer of revenue bonds of the authority to, such person, firm, or corporation.

C. The authority shall fix the rates of toll and other charges for the toll bridge.

D. The authority in establishing toll charges shall give consideration to the cost of operating and maintaining the toll bridge, including the cost of insurance, and to the amount required annually to meet the redemption of bonds and interest payments thereon. At all times the tolls and charges shall be fixed at rates sufficient to yield annual revenue equal to annual operating and maintenance expenses, including insurance costs, and all redemption payments and interest charges of the bonds issued for the toll bridge as they fall due.

E. Toll charges so fixed may be changed from time to time as conditions warrant.

F. The authority may do such acts and make such agreements as are necessary or desirable in connection with the duties and powers conferred upon it.

G. The authority, through such engineers or experts as it may employ, shall design the toll bridge and may build it, or any portions of it, either by its own employees or by contract with any person, firm, or corporation. The cost of the toll bridge shall be paid from the proceeds of bonds issued and sold pursuant to this compact, or from contributions or appropriations from other sources as provided in this compact.

H. The authority shall keep full, complete, and separate accounts of the toll bridge and annually shall prepare balance sheets, income statements, and profit and loss statements showing the financial condition of the toll bridge. The financial statements shall be open at all reasonable times to the inspection of holders of bonds issued by the authority.

I. (1) The authority may issue permits for the use of the toll bridge on a credit basis. The holder of such a permit shall furnish to, and maintain in force with, the authority a cash deposit or a corporate surety bond in an amount equal to twice the authority's estimate of the toll charges to be incurred under such permit during a one-month period.

(2) The authority may require the holder of such permit to increase the amount of cash bond or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with its terms.

(3) The authority may also require the holder of any such permit to pay a fee not to exceed five dollars (\$5) a month to cover printing and other overhead expense, the proceeds thereof to be deposited in the fund from which such expenses are paid.

J. When necessary to facilitate movement of traffic, the authority may limit the use of the toll bridge on a credit basis to particular classes of vehicles.

K. (1) The authority may adopt rules and regulations not inconsistent with the California Vehicle Code or Title 28 of the Arizona Revised Statutes for the control of traffic on the toll bridge to aid and insure the safe and orderly flow of traffic, and shall so far as practicable notify the public of such rules and regulations by signs placed along the route to the toll bridge.

(2) The California Highway Patrol and the Arizona Highway Patrol shall have concurrent authority and it shall be their duty to provide proper and adequate policing of the toll bridge to insure the enforcement thereon of the California Vehicle Code, Title 28 of the Arizona Revised Statutes, and rules and regulations adopted by the authority pursuant to this paragraph, and to cooperate with the authority so that the toll bridge will be operating efficiently at all times in carrying traffic.

(3) All required accident and supplemental reports, and all other reports made to the California Highway Patrol or the Arizona Highway Patrol by any peace officer or employee of the California Department of Motor Vehicles or of the Arizona Motor Vehicles Division relative to accidents and incidents occurring on property of the authority shall be immediately available for the confidential use of the authority.

Article IV. Bonds

A. Whenever the authority determines that it is for the best interests of the public highways in the State of California and the State of Arizona that the toll bridge be constructed and operated by the authority, based upon preliminary estimates of the cost of construction, an estimate of the amount required to be raised for that purpose by the issuance of revenue bonds, and a statement prepared by its staff of the probable amount of money, property, materials, or labor to be contributed from other sources in aid of the construction, it shall adopt a resolution declaring that public interest and necessity require the construction of the toll bridge and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for the construction of the toll bridge.

B. Bonds issued by the authority shall not constitute or be a debt, liability, or obligation of the State of California, the State of Arizona, the County of San Bernardino, or the County of Mohave. The payment of both principal and interest of all bonds shall be secured only by the tolls or other revenues collected from the toll bridge, other revenues and interest thereon, and sinking funds created therefrom received by the authority, and shall be paid from such tolls or revenues or from such other contributions or appropriations as may be made available pursuant to this compact.

C. All bonds authorized shall be issued in the name of the authority and shall constitute obligations of the authority only. Such bonds shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of the bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues received from the operation of the toll bridge, and that neither the payment of the principal or any part thereof or any interest thereon, constitutes a debt, liability, or obligation of the State of California, the State of Arizona, the County of San Bernardino, or the County of Mohave.

D. (1) The authority shall determine the form, conditions, and denominations of all bonds, the dates which the bonds to be sold shall bear, and the interest rate thereon.

(2) The rate of interest need not be uniform for all bonds of the same authorized issue. Principal and interest of the bonds shall be payable at such places as are fixed and determined by the authority. The bonds may contain provisions for regis-

tration as to principal only or as to both principal and interest. The bonds shall be issued in coupon form with interest payable at such times as are determined by the authority, and shall mature at such times and in such amounts as the authority prescribes.

(3) The authority may provide for the retirement of the bonds at any time prior to their maturity, in such manner and upon payment of such premiums as may be fixed and determined in the proceedings providing for the issuance of the bonds and referred to therein.

E. All bonds shall be signed by the treasurer and countersigned by the chairman. The signatures of the treasurer and the chairman may be by facsimile, but the bonds shall be authenticated by such signatures as the bond resolution or indenture may require. All interest coupons shall bear the facsimile signature of the treasurer. In case any officer whose signature or countersignature appears on the bonds or coupons ceases to hold his office before the delivery of the bonds to the purchaser, his signature or countersignature is nevertheless valid and sufficient for all purposes, as if he had remained in office until the delivery of the bonds.

F. All revenue bonds authorized may be issued and sold by the authority from time to time and in such amounts as the authority deems necessary to provide sufficient funds for the purposes for which the bonds were authorized, including the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter.

G. Bonds authorized may be sold below the par or face value thereof and shall include the interest which has accrued thereon up to the date of delivery of the bonds.

H. Successive issues of bonds within the limits of the original authorization for the issuance of bonds for the construction of the toll bridge shall have equal preference with respect to the redemption thereof and the payment of interest thereon, but the authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization.

I. All bonds issued and sold shall be sold on sealed proposals to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids submitted and may thereafter sell the bonds so advertised for sale at private sale under such terms and conditions as it deems most advantageous to its own interest, but the bonds shall not be sold at a price below that of the best bid which was rejected.

J. Temporary or interim bonds, certificates, or receipts signed by the treasurer, of any denomination and with or without coupons attached thereto, may be issued and delivered until the definitive bonds are executed and available for delivery.

K. The purchase price of all bonds issued shall be paid to the treasurer for the account of the authority.

L. The authority may include in the proceedings authorizing the issuance of bonds any provisions not inconsistent with this compact which limit, restrict, or regulate the holding, deposit, investment, and application of money consisting of the proceeds from the sale of the bonds or the tolls and other revenues received from the operation of the toll bridge, and such provisions shall constitute a contract with the holders of the bonds and shall be binding upon the authority as long as the bonds are outstanding.

M. The authority may provide in the proceedings authorizing the issuance of bonds for the setting up of one or more reserve funds out of the proceeds of the bonds or out of the tolls and other revenues not needed for the payment of interest on the bonds and the principal of the bonds as they currently mature, and for the preservation and continuance thereof in a manner to be provided therein. The authority may also require the immediate application of all surplus money in the toll revenue fund to the retirement, by call or purchase of the bonds prior to maturity in such manner and upon such terms and upon the payment of such premiums as the authority deems advisable.

N. The authority may provide in the proceedings authorizing the issuance of bonds, or may otherwise agree with the purchasers of bonds, regarding the deposit of all money constituting the Construction Fund and the Toll Revenue Fund, and may provide for the deposit of such money at such times with such depositories or paying agents upon the furnishing of such security as may meet with the approval of the purchasers of the bonds. The depositories and security provided for or agreed upon, however, shall be qualified and eligible in accordance with the laws of the state in which the money is deposited.

O. The authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this compact, and the purchase and carrying of such insurance shall thereupon be obligatory upon the authority and be paid for out of the Toll Revenue Fund as may be specified in the proceedings.

P. Whenever any bonds are to be issued, the authority may enter into indentures or agreements containing any or all of the following provisions:

(1) Providing for the amount, form, maturities, registration, and transfer and interchange of the bonds and coupons, and the terms and conditions upon which they shall be issued, sold, paid, retired, funded, and refunded.

(2) Providing for a sinking fund for the bonds and designating a trustee or trustees, which shall be a bank or trust company or banks or trust companies duly qualified to do business in the State of California or the State of Arizona, to receive and disburse the revenues of the toll bridge or improvements.

(3) Providing that as long as any of such bonds are outstanding, there shall be raised in each year by tolls not less than the minimum amounts required for interest, sinking fund, redemption, and reserve requirements for the bonds, in addition to the amount needed for current operating and maintenance expenses, including insurance costs required to be paid from such sources.

(4) Such other provisions for the protection of the holders of the bonds as the authority approves, including, but not limited to subparagraphs (1), (2), and (3), provisions that in the event of refusal or failure to comply with any provisions of this compact or any other applicable law, or of any agreement made with the holders of the bonds or of any issue thereof, the holders of a stated percentage in aggregate principal amount of the then outstanding bonds, or of such issue thereof, as the case may be, may, in accordance with such appropriate procedure as is provided in the agreement or indenture, appoint a trustee to represent all the holders of the bonds, or all the holders of the issue thereof, as the case may be, in the matter of exercising and prosecuting on their behalf such rights and remedies as are available to them under the law. The authority shall, in its absolute discretion, fix the terms and conditions upon which the trustee or trustees shall receive, hold, and disburse the revenues and may prescribe the powers and duties of the trustee or trustees.

Q. All benefits conferred or obligations imposed by this compact or by any other law with respect to making provision for the payment, whether from tolls or other revenues received from the use and operation of the toll bridge or from other sources, of expenses in connection with the operation, maintenance, and insurance of, and the construction of approaches to, the toll bridge, shall, notwithstanding the retirement or discharge of any or all of the bonds issued by the authority for the purpose of constructing the toll bridge, inure to and continue for the benefit of any other bonds issued in addition to, funding of, or refunding of the bonds originally issued.

R. The authority may contract loans and borrow money through the sale of bonds of the same character as those authorized from the United States or any of its departments, agencies, or instrumentalities upon such conditions and terms as may be agreed to. Such bonds shall be subject to all the provisions of this compact, except the requirement that the bonds be first offered at public sale pursuant to advertisement.

S. (1) If a bond issue for the construction of the toll bridge is authorized and sold in whole or in part, and the authority deems it advisable and advantageous to enlarge or extend the toll bridge or to change the structure or design thereof in order to afford new or greater facilities for any type or class of traffic, the authority may issue additional bonds for such purpose. The additional bonds shall be issued only if the surrender and cancellation of all outstanding bonds issued for the

construction of the toll bridge as originally designed can be assured or obtained by call or by consent of the holders thereof. The additional bonds shall not constitute a debt or obligation of the State of California, the State of Arizona, the County of San Bernardino, or the County of Mohave, but shall be bonds of the authority of the same character and payable from the same funds as other bonds authorized. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of the additional bonds.

(2) If the outstanding bonds issued for the construction of the toll bridge as originally designed are, at the time of issuance of the additional bonds, by their terms subject to immediate retirement before maturity at the option of the authority, or if the holders consent to the retirement of such bonds, the authority may include in the issue of bonds to be sold for the purpose of enlarging or extending the toll bridge or changing the design thereof, an amount of bonds sufficient to produce funds with which to retire the outstanding bonds according to their terms. Before any of the additional bonds are delivered, the authority shall first duly call the outstanding bonds for redemption in accordance with their terms and conditions, or obtain the consent of the holders thereof to their retirement.

(3) Out of the proceeds derived from the sale of any such additional bonds, there shall be set aside an amount of money sufficient to retire such outstanding bonds as may be thereafter presented for payment. Bonds of the new authorized issue may be delivered in part in exchange for a like principal amount of outstanding bonds of the original issue, if the holders of the outstanding bonds to be exchanged consent thereto.

(4) All provisions of this compact apply with like force and effect to the issuance of any bonds of the new authorized issue, and the holders thereof are subrogated to all the rights and powers of the holders of the bonds which are surrendered in exchange therefor, except as such rights and powers are modified by the express terms of the bonds of the new authorized issue or the proceedings authorizing their issuance.

T. (1) Whenever bonds have been issued and are outstanding, the authority may from time to time, or at one time, issue and sell or exchange funding or refunding bonds for the purpose of retiring, paying, funding, or refunding either all or such part of the outstanding bonds, or of one or more issues or series thereof, as it deems advisable. Such funding or refunding bonds shall be issued and delivered only when the issue or series of bonds to be funded or refunded have matured, are about to mature, or are subject to retirement before maturity; or if the outstanding bonds are not subject to retirement, the retirement thereof has been assured or obtained by consent of the holders thereof. Funding or refunding bonds may be delivered in part in exchange for outstanding bonds

to be funded or refunded thereby, if the holders of the outstanding bonds to be exchanged consent thereto.

(2) Funding or refunding bonds shall not constitute a debt or obligation of the State of California, the State of Arizona, the County of San Bernardino, or the County of Mohave, but shall be bonds of the authority of the same character and payable from the same funds as other authorized bonds. Any and all reserve or other funds applicable to the payment of the bonds funded or refunded may, if so directed by the authority, be transferred to any reserve or other funds provided with respect to the funding or refunding bonds. The pledge of the tolls and other revenues to be received from the operation of the toll bridge to the payment of outstanding bonds shall not be lessened, diminished, or affected in any way by the issuance of such funding or refunding bonds.

(3) Except as otherwise provided in this article, and except as modified by the express terms of the funding or refunding bonds or the proceedings authorizing their issuance, all the provisions of this compact apply to such funding or refunding bonds and to the issuance and sale or exchange thereof, and the holders thereof shall be subrogated to all the rights and powers of the holders of the bonds funded or refunded thereby or surrendered in exchange therefor.

(4) Any funding or refunding bonds may be issued in a principal amount sufficient to provide funds for:

(a) The payment of the bonds to be funded or refunded thereby.

(b) All expenses incidental to the calling, retiring, or payment of the outstanding bonds and the issuance of the funding or refunding bonds, including the difference in amount between the par value of the funding or refunding bonds and any amount less than par value for which they may be sold.

(c) Any amount necessary to be made available for the payment of interest upon the funding or refunding bonds from the date of their sale to the date of maturity, payment of the bonds to be funded or refunded out of the proceeds of the sale, and payment on the date which the bonds to be funded or refunded will be paid pursuant to call thereof or agreement with the holders thereof.

(d) The premium, if any, necessary to be paid in order to call or retire the outstanding bonds.

U. All bonds issued are negotiable instruments.

V. All bonds issued and the income therefrom are exempt from state and local taxation, except for transfer, inheritance, and estate taxes.

W. The bond redemption and interest payments constitute a first direct and exclusive charge and lien on all tolls and other revenues, and interest thereon, and sinking funds created therefrom received from the use and operation of the toll bridge. Such tolls and revenues, together with the interest earned thereon, constitute a trust fund for the security and payment of the bonds and shall not be used or pledged for any

other purpose as long as any such bonds are outstanding and unpaid.

X. While any bonds issued by the authority remain outstanding, the powers, duties, or existence of the authority shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of the bonds.

Y. The holder of any bond may, by mandamus or other appropriate proceeding, compel the performance of any of the duties imposed upon the authority or its officers, agents, and employees in connection with the construction, maintenance, operation, and insurance of the toll bridge, in connection with the collection, deposit, investment, application, and disbursement of all tolls and other revenues derived from the operation of the toll bridge, and in connection with the deposit, investment, and disbursement of the proceeds received from the sale of bonds. The enumeration of rights and remedies in this compact does not exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

Z. (1) The California Superintendent of Banks and the Arizona Superintendent of Banks may investigate and ascertain the status or sufficiency of bonds issued by the authority as investments for savings banks in the respective states. If upon investigation it is determined in his opinion that such bonds constitute a proper investment for savings banks, he shall so certify. In his discretion he may revoke any such certificate issued by him.

(2) All bonds issued by the authority which have been first certified by the California Superintendent of Banks or the Arizona Superintendent of Banks are legal investments for all trust funds, for the funds of all insurance companies, commercial and savings banks, and trust companies, and for state school funds in the respective state.

(3) Any money or funds which may be by California or Arizona law invested in bonds of the cities, counties, or school districts in the state may, in the respective state, be invested in the bonds issued by the authority.

(4) Whenever any bonds of the State of California or the State of Arizona, or of any city, county, or school district thereof, may be used as security for the performance of any act or the deposit of any public money, the bonds issued by the authority may, in the respective state, be used for such purpose.

Article V. Custody and Use of Money

A. The proceeds from the sale of all authorized bonds shall be paid to the treasurer for the credit of the authority and shall be deposited immediately as demand deposits in such depository or depositories as are authorized by law to receive deposits of state funds in the state in which deposited, to the credit of a fund to be designated as the Construction Fund. The fund shall at all times be kept segregated and set apart from all other funds.

B. The proceeds from the sale of the bonds shall be paid out or disbursed solely for the construction of the toll bridge, the acquisition of the necessary lands and easements therefor, and the payment of interest on the bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor arises. The authority may agree with the purchaser of the bonds upon any conditions or limitations restricting the disbursement of such funds which are deemed advisable for the purpose of assuring the proper application of the funds.

C. All money in the Construction Fund not required to meet current construction costs of the toll bridge, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they are required to be applied or to which they are pledged, shall be invested in bonds and obligations eligible for investment of surplus state money in the state in which invested. The authority may provide in the proceedings authorizing the issuance of the bonds that the investment of such money shall be made only in particular bonds and obligations within the classifications eligible for such investment, and such provisions shall be binding upon the authority and all officials having anything to do with the investment.

D. Any surplus which exists in the Construction Fund shall be applied to the retirement, by purchase or call, of bonds issued for the construction of the toll bridge. If such bonds cannot be purchased at a price satisfactory to the authority and are not by their terms callable prior to maturity, the surplus shall be paid into the fund applicable to the payment of principal and interest of such bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying the surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called, and such limitations and conditions shall be followed and observed in the application and use of the surplus. All bonds retired by purchase or call shall be canceled immediately.

E. All tolls or other revenues received from the operation of the toll bridge shall be deposited immediately by the treasurer in such depository authorized by law to receive deposits of state funds, to the credit of a special fund to be designated as the Toll Revenue Fund, which fund shall at all times be kept segregated and set apart from all other funds.

F. From the money deposited in the Construction Fund, the treasurer shall transfer to the place or places of payment named in the bonds such sums as are required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of the toll bridge during the period of actual construction and during the period of six months immediately thereafter. The treasurer shall thereafter transfer from the Toll Revenue Fund to the place or places of payment named in

the bonds such sums as are required to pay the interest on the bonds and to redeem the principal thereof as such interest payments and bond redemptions fall due for all bonds issued and sold for the construction of the toll bridge. All funds transferred for the payment of principal or interest on bonds issued for the toll bridge shall be segregated and applied solely for the payment of such principal and interest.

G. The money remaining in the Toll Revenue Fund, after providing the amount required for interest and redemption of bonds, shall be held and applied as provided in the proceedings authorizing the issuance of the bonds. If the proceedings authorizing the issuance of the bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation, and maintenance of the toll bridge as the authority determines, including reimbursement to the County of San Bernardino and the County of Mohave for any services performed.

H. Money required to meet the costs of construction of the toll bridge, and all expenses and costs incidental thereto, or to meet the costs of operating, maintaining, and repairing the toll bridge, shall be paid from the proper fund upon demand of the authority.

I. All interest received or earned on money deposited in each and every fund provided for in this compact, shall be credited to and become a part of the particular fund upon which the interest accrues.

J. Notwithstanding any other provision in this compact, the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of the toll bridge may be used to defray any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds for the construction of the toll bridge, including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of the bonds, except that the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of the bond proceeds and toll or other revenues for the purposes specified in this section.

K. Notwithstanding any other provision in this compact, the first issue of bonds shall include an amount sufficient to repay, with interest as required, any and all amounts appropriated by the Legislatures of the State of California and the State of Arizona for the support of the authority.

Article VI. Acquisition and Disposition of Property

A. As used in this article, "property" means any real or personal property, franchises, rights, privileges, or easements.

B. When the construction of the toll bridge is authorized by the authority, it may acquire by gift, purchase, or eminent domain proceedings any property necessary therefor. This

article shall not apply to any portion of the state highway systems of California and Arizona.

C. In any eminent domain proceeding to acquire property for the purpose of this compact, any property appropriated or dedicated to a public use or purpose by any person or public entity may be condemned and taken; and the acquisition and use thereof as provided in this compact for the same public use or purpose to which such property has been appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

It shall not be necessary in any eminent domain proceeding pursuant to this paragraph, to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution provided for in this article describing the property sought to be taken and directing such proceedings.

C. Pursuant to the Constitution and the laws relating to eminent proceedings of the state that is the situs of the property, the authority may condemn and take, in fee or otherwise, any property, whether publicly or privately owned and whether or not already devoted to a public use or purpose, deemed necessary for the toll bridge.

D. The authority shall commence any such proceedings in eminent domain whenever it first passes a resolution declaring that public interest and necessity require the construction of the toll bridge and that the acquisition of any particular property is necessary therefor. Such resolution shall be conclusive evidence:

- (1) Of the public necessity of such construction.
- (2) That the acquisition of the fee, or other interest, of the property is necessary.
- (3) That such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury.

E. The authority may condemn and take, in fee or otherwise, any real property considered necessary for the purpose of exchanging it for other real property to be used for any of the purposes of this compact.

Real property may be acquired for such purpose only when the owner of the property needed for a purpose provided in this compact has agreed in writing to such exchange, and when, in the opinion of the authority, an economy in the acquisition of the necessary property can be effected thereby. The determination of the authority is conclusive evidence of all matters set forth in this section.

F. The right-of-way is given, dedicated, and set apart upon which to locate, construct, and maintain the toll bridge through, over, under, on, or across any property of the states that are parties to this compact now or hereafter owned, opened, or dedicated to or for public use and howsoever ac-

quired, and through, over, under, on, or across the streets, alleys, lanes, and roads now or hereafter opened or dedicated to or for public use and howsoever acquired which are now or may be within any public entity.

G. If any property belonging to any public entity is taken for the construction of the toll bridge, or if any such property is injured or damaged by such construction, and the payment of compensation therefor is necessary, proper and necessary compensation therefor as is agreed upon may be paid by the authority to the particular public entity owning or in charge of such property, or the authority may direct that eminent domain proceedings be brought pursuant to this article for the determination of such compensation, including the determination of the interest of any such public entity in such property and the necessity for the payment of such compensation.

Whenever the authority requires a public utility to remove and relocate any utility facility, the authority shall reimburse the owner of the public utility facility for the expense of the removal and relocation.

H. In all cases where, by statute or otherwise, any right is reserved or granted to either the State of California or the State of Arizona or any state agency of either state, to construct or maintain highways, bridges, or approaches thereto, or other highway crossings, over, through, under, on, or across any public or private property, the authority is entitled to the benefit of such reservation or grant.

I. Whenever any property acquired for any of the purposes of this compact, whether by agreement, grant, or eminent domain, either in fee or in any lesser estate or interest, is no longer necessary for use in connection with any improvement authorized to be constructed pursuant to this compact, or whenever a lesser interest than is owned therein is sufficient for the construction, maintenance, and operation of any improvement, or whenever it is for any other reason in the public interest so to do, the property, any part thereof, or any interest therein may be leased, sold, exchanged, or otherwise disposed of or dealt with by the authority in the manner, upon such terms, and subject to such reservations as it deems necessary or desirable.

J. Any money received for the disposal of property shall be deposited into the fund from which payment for the property was made.

K. Whenever, either before or after the construction or reconstruction of streets, sidewalks, or other like facilities upon any property or interest in property acquired pursuant to this compact, it appears desirable to dedicate the property to public use for such purpose, the authority may dedicate or transfer the property to the state, or any public entity thereof, within which it is located, subject, however, to any rights or interests necessary for the proper construction, maintenance, and operation of the toll bridge which extends through, over, under, on, or across the property.

Article VII. Insurance of Property

A. When the toll bridge is being built by the authority, it may carry or cause to be carried such an amount of insurance or indemnity bond as protection against loss or damage as it deems proper.

B. The authority may carry insurance in such amount as it deems proper to cover any accident or destruction, in part or in whole, to the toll bridge until all bonds sold, and interest accrued thereon, for the construction of the toll bridge have been fully redeemed.

C. All money collected on any indemnity bond or insurance policy as the result of any damage or injury to the toll bridge shall be used for the purpose of repairing or rebuilding the toll bridge, as long as there are revenue bonds against such structure outstanding and unredeemed.

D. The authority may also carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from the toll bridge by reason of any interruption in the use of the toll bridge from any cause whatever. The proceeds of the insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the toll bridge so insured are required to be paid and shall be applied to the same purposes and in the same manner as other money in the fund. The insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of the toll bridge during any period of time determined by the authority and fixed in its discretion, and may be paid for out of the toll revenue fund as specified in the proceedings.

Article VIII. Local Cooperation

A. Any public entity, upon the request of the authority, may advance or contribute money, rights-of-way, labor, materials, and other property for the construction and maintenance of the toll bridge, and for the preliminary surveys and the preparation of plans and estimates of cost thereof and other preliminary expenses. Appropriations for such purposes may be made from any funds available, including highway funds received from the state.

B. Any public entity may issue general obligation bonds for purposes of paragraph A of this article. All proceedings for the authorization, issue, and sale of such bonds shall be pursuant to the law governing the issue and sale of bonds for public improvements by the particular public entity.

C. Money or property advanced or contributed pursuant to this article may be immediately transferred or delivered to the authority to be used for the purpose for which such advance or contribution was made.

D. The authority may enter into a binding agreement with any public entity to repay any money or the value of any rights-of-way, labor, materials, or other property advanced or

contributed toward the expense of constructing the toll bridge, but no repayment therefor shall be made until all obligations issued by the authority for the construction of such toll bridge have been fully redeemed and paid, and then only out of the tolls and revenues received from the operation of the toll bridge.

E. The collection of tolls shall be continued on the toll bridge until all bonds issued for its construction are fully redeemed and paid.

F. After all bonds issued for the construction of the toll bridge have been fully redeemed and paid, the authority may continue to collect tolls and other revenues for the use of the toll bridge for the purpose of reimbursing the State of California and the State of Arizona for any expenditures which may have been made by them in connection with the toll bridge and for the purpose of repayment to any public entity the amount the authority has agreed to repay for contribution to the construction of the toll bridge.

Article IX. Operation and Maintenance After Retirement of Bonds

A. After all bonds issued pursuant to this compact for the construction of the toll bridge have been fully redeemed and paid, the authority shall transfer the toll bridge to the State of California, to the State of California and the State of Arizona jointly, to public entities (other than this authority) designated by the states, or to the Counties of San Bernardino and Mohave County, jointly, for its operation and maintenance under an agreement, if necessary, executed pursuant to California and Arizona law. Upon such agreement, the toll bridge shall be operated and maintained free of tolls.

B. If ownership of toll bridge is transferred as provided in paragraph A of this article, the existence of the authority shall thereupon automatically terminate, and all property, funds, and records relating to the toll bridge shall be transferred in the same manner. The agency or agencies receiving title to the toll bridge shall be responsible for the maintenance, repair, and operation of the toll bridge, and for the fulfillment of any outstanding contracts executed by the authority and the payment of any outstanding debts or liabilities incurred by the authority.

Article X. Ratification

A. This compact shall become operative when ratified by the Legislatures of the States of California and Arizona and consented to by the Congress of the United States.

B. This compact shall remain in full force and effect until amended in the same manner as is required for it to be ratified to become operative or until terminated.

C. A copy of any proposed amendments to or termination of this compact shall be filed with the Board of Supervisors

of San Bernardino County, California, and Mohave County, Arizona, at least 30 days prior to any legislative consideration by the Legislatures of the States of California and Arizona.

CHAPTER 784

An act to amend an initiative act entitled "An act, to be known as the usury law, relating to the rate of interest which may be charged for the loan or forbearance of money, goods or things in action, or on accounts after demand, or on judgments, providing penalties for the violation of the provisions hereof, and repealing sections one thousand nine hundred seventeen, one thousand nine hundred eighteen, one thousand nine hundred nineteen, and one thousand nine hundred twenty of the Civil Code and all acts and parts of acts in conflict with this act," approved by electors November 5, 1918, by amending Section 3, thereof, relating to loan-sharking, such amendment to take effect upon the approval thereof by the electors, and providing for the submission thereof to the electors pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution, and calling a special election to be consolidated with the general election of 1970, to take effect immediately.

[Approved by Governor August 24, 1970 Filed with
Secretary of State August 24, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the act cited in the title is amended to read:

Sec. 3. (a) Every person, company, association or corporation, who for any loan or forbearance of money, goods or things in action shall have paid or delivered any greater sum or value than is allowed to be received under the preceding sections, one and two, may either in person or his or its personal representative, recover in an action at law against the person, company, association or corporation who shall have taken or received the same, or his or its personal representative, treble the amount of the money so paid or value delivered in violation of said sections, providing such action shall be brought within one year after such payment or delivery.

(b) Any person who willfully makes or negotiates, for himself or another, a loan of money, credit, goods, or things in action, and who directly or indirectly charges, contracts for, or receives with respect to any such loan any interest or charge of any nature, the value of which is in excess of that allowed by law, is guilty of loan-sharking, a felony, and is punishable by imprisonment in the state prison for not more than five years or in the county jail for not more than one year. This subdivision shall not apply to any person licensed to make or

negotiate, for himself or another, loans of money, credit, goods, or things in action, or expressly exempted from compliance by the laws of this state with respect to such licensure or interest or other charge, or to any agent or employee of such person when acting within the scope of his agency or employment.

SEC. 2. Section 1 of this act shall become effective only when submitted to and approved by the electors, pursuant to subdivision (c) of Section 24 of Article IV of the State Constitution.

SEC. 3. A special election is hereby called to be held throughout the state on the third day of November, 1970. The special election shall be consolidated with the general election to be held on that date. The consolidated election shall be held and conducted in all respects as if there were only one election, and only one form of ballot shall be used. Except as otherwise provided in this act, all of the provisions of law relating to the submission of measures proposed by the Legislature shall apply to the measure submitted pursuant to this act. A ballot pamphlet shall be prepared, compiled, and distributed relating to such measure. The Secretary of State shall distribute the ballot pamphlets to the county clerks not less than 30 days before the election, and the county clerks shall commence to mail those pamphlets to the voters not less than five days before the election. The distribution of ballot pamphlets in all other respects shall be conducted in accordance with the provisions of Section 3573 of the Elections Code.

SEC. 4. At the special election called by this act there shall be submitted to the electors Section 1 of this act.

SEC. 5. The special election provided for in this act shall be proclaimed, held, conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act.

SEC. 6. Upon the effective date of this act the Secretary of State shall request the Attorney General to prepare a ballot title for the measure and shall also request the Legislative Counsel to prepare an analysis of the measure in accordance with Section 3566 of the Elections Code. The title and analysis shall be filed with the Secretary of State within five days after the effective date of this act. The measure submitted pursuant to this act shall be designated on the ballots at the election by its ballot title.

SEC. 7. This act, inasmuch as it provides for the calling of an election, shall, under the provisions of Section 8 of Article IV of the Constitution, take effect immediately.

CHAPTER 785

An act making an appropriation to the Mountain View School District in Los Angeles County, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1970. Filed with Secretary of State August 27, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The Mountain View School District in Los Angeles County is an impoverished school district in the state and has suffered significant decline in revenues which will cause great financial hardship and will render it impossible for the district to meet its fixed financial commitments for the year, including those made for the payment of employees' salaries. If the school district is unable to meet its contracted obligations, employees, as well as creditors, many of whom are small businessmen in the community, will suffer great financial injury.

The Legislature finds that the unique circumstances in the Mountain View School District in Los Angeles County require immediate and special legislation and that a general statute cannot be made applicable to these circumstances within the meaning of Section 16 of Article IV of the California Constitution. The appropriation made by Section 2 of this act is made in view of the unique circumstances in the Mountain View School District in Los Angeles County, and is made for that purpose only. It is not the intention of the Legislature to establish a precedent with respect to the appropriation made by this act, but rather to assist in a situation involving unique circumstances when appropriate justification for such assistance has been found.

SEC. 2. There is hereby appropriated from the General Fund in the State Treasury the sum of one hundred sixty-four thousand dollars (\$164,000), or so much thereof as may be necessary, to the Mountain View School District in Los Angeles County to enable the district to pay contracted indebtedness, due and owing, in the 1969-1970 fiscal year.

SEC. 3. The Superintendent of Public Instruction shall, during the 1970-1971, 1971-1972, and 1972-1973 fiscal years, withhold from the apportionments to be made to the district from the State School Fund in each of those years an amount equal to one-third of the amount actually disbursed to the district from the appropriation made pursuant to Section 2 of this act, together with amounts representing interest at a rate based on the most current investment rate of the Pooled Money Investment Account as of the date of disbursement of funds to the district pursuant to Section 2 of this act. Such withholdings shall be directed to the end that the entire amount disbursed, plus the interest, shall have been recouped by the state at the end of the 1972-1973 fiscal year.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that money may be made available to the Mountain View School District in Los Angeles County at the earliest possible time to aid the district in averting a financial crisis which directly involves the entire area of the district, it is necessary that this act take immediate effect.

CHAPTER 786

An act to amend Section 1770 of, to add Section 1780 to, to add Chapter 8 (commencing with Section 12750) to Part 2 of Division 3 of Title 2 of, and to repeal Article 7 (commencing with Section 12070) of Chapter 1 of Part 2 of Division 3 of Title 2 of, the Government Code, relating to vacancies in public office.

[Approved by Governor August 27, 1970 Filed with
Secretary of State August 27, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1770 of the Government Code is amended to read:

1770. An office becomes vacant on the happening of any of the following events before the expiration of the term:

(a) The death of the incumbent.

(b) An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness or accident and that there is reasonable cause to believe that he will be unable to perform the duties of his office for the remainder of his term. This subdivision shall not apply to offices created by the Constitution nor to federal or state legislators.

(c) His resignation.

(d) His removal from office.

(e) His ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which he was chosen or appointed, or within which the duties of his office are required to be discharged; provided, however, that the office of judge of a municipal or justice court shall not become vacant when, as a result of a change in the boundaries of a judicial district during an incumbent's term, said incumbent ceases to be an inhabitant of the district for which he was elected or appointed to serve.

(f) His absence from the state without the permission required by law beyond the period allowed by law.

(g) His ceasing to discharge the duties of his office for the period of three consecutive months, except when prevented

by sickness, or when absent from the state with the permission required by law.

(h) His conviction of a felony or of any offense involving a violation of his official duties.

(i) His refusal or neglect to file his official oath or bond within the time prescribed.

(j) The decision of a competent tribunal declaring void his election or appointment.

(k) The making of an order vacating his office or declaring his office vacant when he fails to furnish an additional or supplemental bond.

(l) His commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.

SEC. 2. Section 1780 is added to the Government Code, to read:

1780. (a) Notwithstanding any other provision of law, upon a decision of the Supreme Court, on a petition to the court by the Commission on Constitutional Officers, that the Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction has ceased to perform the duties of his office for a period of three consecutive months due to physical or mental disability caused by disease, illness or accident, the Governor shall appoint an acting officer to perform the duties of the office.

(b) Upon a request of the Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction, the Commission on Constitutional Officers shall petition the Supreme Court to determine the ability of such officer to resume the discharge of the duties of his office. Upon a decision of the Supreme Court that the officer is able to discharge the duties of his office, such officer shall resume the duties of his office and the acting officer shall cease performing any duties of the office.

SEC. 3. Article 7 (commencing with Section 12070) of Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 4. Chapter 8 (commencing with Section 12750) is added to Part 2 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 8. COMMISSION ON CONSTITUTIONAL OFFICERS

12750. There is in the state government a Commission on Constitutional Officers consisting of the President pro Tempore of the Senate, the Speaker of the Assembly, the President of the University of California, the Chancellor of the California State Colleges, and the Director of Finance.

12751. The commission shall have exclusive authority to petition the Supreme Court to determine any questions that

arise relating to vacancies in and succession to the office of Governor.

12752. The commission shall have exclusive authority to petition the Supreme Court to decide any questions relating to the existence of a temporary disability of the Governor.

12753. The commission shall have exclusive authority to petition the Supreme Court to decide any questions relating to the termination of the temporary disability of the Governor.

12754. The commission shall have exclusive authority to petition the Supreme Court to determine any questions that arise pursuant to subdivision (a) of Section 1780 with respect to the office of Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction.

12755. The President pro Tempore of the Senate shall be chairman of the commission and the Speaker of the Assembly shall be vice chairman. The commission shall meet at the times and places designated by the chairman, and, in his absence, the times and places designated by the vice chairman.

12756. The commission may file a petition pursuant to Section 12751, 12752, 12753, or 12754 only if a majority of the members of the commission vote to take such action.

12757. Notwithstanding Section 12756, upon a request by the Lieutenant Governor, Attorney General, Controller, Secretary of State, Treasurer, or Superintendent of Public Instruction pursuant to subdivision (b) of Section 1780, the commission shall petition the Supreme Court to determine the ability of the officer to discharge the duties of his office.

12758. The commission shall have the power of a head of a department to make investigations to determine whether or not a petition should be filed pursuant to this article. Every state agency shall, on request of the commission, make available to the commission the facilities and personnel of the agency to enable the commission to perform its functions.

SEC. 5. This act shall become operative only if Assembly Constitutional Amendment No. 43 of the 1970 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 43.

CHAPTER 787

An act to amend Section 17924 of the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1970 Filed with
Secretary of State August 27, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 17924 of the Education Code is amended to read:

17924. For each elementary school district, the Superintendent of Public Instruction shall determine a supplementary amount, in excess of the foundation program, for each unit of average daily attendance, exclusive of the average daily attendance in special day and evening classes, summer schools, and special programs or classes for minors defined by Sections 6750, 6801, 6902, and 6903 as follows:

If the applicable tax rate of the district pursuant to Section 17921 equals or exceeds sixty cents (\$0.60), he shall determine, for each unit of average daily attendance under this section, an amount equal to one dollar and twenty-five cents (\$1.25) for each cent of such applicable rate. For such purposes, the applicable rate determined pursuant to Section 17921 shall be deemed to be no less than one dollar (\$1); provided that, in no case shall the amount determined pursuant to this section be in excess of one hundred twenty-five dollars (\$125) per pupil in average daily attendance.

If the applicable tax rate of the district pursuant to Section 17921 is less than sixty cents (\$0.60), he shall determine, for each unit of average daily attendance under this section, an amount equal to one dollar and twenty-five cents (\$1.25) for each cent of such applicable tax rate.

Notwithstanding any provision of this article to the contrary, the Superintendent of Public Instruction shall apportion the supplemental support funds allowed by this section to an elementary school district which is not eligible for the increase in foundation program prescribed by Section 17676 only if that district levies, for the fiscal year, a general fund tax rate sufficiently in excess of one dollar and sixty cents (\$1.60) on each one hundred dollars (\$100) of assessed valuation of property in the district to raise an amount in the district equivalent to the product of twenty dollars (\$20) multiplied by the total of the units of average daily attendance in the district, except that with respect to any district in which the assessed valuation of property for the current fiscal year per unit of average daily attendance in the district is one thousand dollars (\$1,000) or less, a general fund tax rate sufficiently in excess of one dollar and sixty cents (\$1.60) on each one hundred dollars (\$100) of assessed valuation of property in the district to raise an amount in the district equivalent to the amount which would be raised by a tax rate of two dollars (\$2) on each one hundred dollars (\$100) of assessed valuation of property in the district, and provided further that the district meets the other requirements of this article.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To remove the application of an unnecessary and inequitable hardship imposed upon residents and taxpayers of certain

low wealth supplemental aid school districts and to ensure equitable treatment of such taxpayers it is necessary that the provisions of this act take immediate effect.

CHAPTER 788

An act to add Article 4.5 (commencing with Section 71905) to Chapter 3 of Part 7 of Division 20 of the Water Code, relating to districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 27, 1970. Filed with
Secretary of State August 27, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 71905) is added to Chapter 3 of Part 7 of Division 20 of the Water Code, to read:

Article 4.5. Issuance of Bonds After Detachment

71905. If territory is excluded from an improvement district formed pursuant to this chapter as a result of being detached from the district after bonds have been authorized at an election held in such improvement district, but before any of such bonds have been issued and sold, the board may modify the proposed improvement to take into consideration any change in circumstances resulting from such detachment and may issue bonds in an amount not exceeding the amount authorized at said election for the purpose of paying the cost of the improvement as modified, without any further election, but only after notice and hearing in the same manner as provided in Article 2 (commencing with Section 71880) of this chapter and Article 6 (commencing with Section 53520), Chapter 3, Part 1, Division 2, Title 5 of the Government Code, and provided that at the conclusion of the hearing the board shall by resolution determine that the remaining territory within the improvement district will be benefited by the improvement as modified.

This article shall be operative only until January 1, 1972, and shall have no force or effect after that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect.

The facts constituting such necessity are:

A question has arisen as to the validity of certain authorized bonds of certain municipal water districts in view of the subsequent detachment of territory from improvement districts therein. In order that these bonds may be issued and sold at the earliest possible time in order to finance urgently needed sewer development in such districts, it is essential that this act go into immediate effect.

CHAPTER 789

An act to add Sections 715 and 4206.5 to the Civil Code, to add Section 63 to the Elections Code, to add Sections 245 and 13290 to the Government Code, and to add Section 232 to the Penal Code, relating to codification of various provisions to be omitted from the California Constitution in a partial revision.

[Approved by Governor August 27, 1970 Filed with
Secretary of State August 27, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 715 is added to the Civil Code, to read:
715. No perpetuities shall be allowed except for eleemosynary purposes.

SEC. 2. Section 4206.5 is added to the Civil Code, to read:
4206.5. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

SEC. 3. Section 63 is added to the Elections Code, to read:
63. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in the Constitution, provided that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of the Constitution to provide the manner in which their respective elective officers may be elected and to prescribe a higher proportion of the vote therefor.

SEC. 4. Section 245 is added to the Government Code, to read:

245. Absence from this state, on business of the state or of the United States, shall not affect the question of residence of any person.

SEC. 5. Section 13290 is added to the Government Code, to read:

13290. The fiscal year shall commence on the first day of July.

SEC. 6. Section 232 is added to the Penal Code, to read:

232. Any person who fights a duel, or sends or accepts a challenge to fight a duel, either within this state or out of it, or who shall act as a second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage.

SEC. 7. This act shall become operative only if Assembly Constitutional Amendment No. 65 of the 1970 Regular Session is adopted by the people, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 65.

CHAPTER 790

An act to add Section 54939 to the Government Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1970 Filed with
Secretary of State August 31, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 54939 is added to the Government Code, to read:

54939. Notwithstanding any other provision of this chapter, any improvement district in a community services district, which improvement district is identical in area to said community services district excluding, however, any special tax zone or zones theretofore created and for which special tax zone or zones statements and maps required by this chapter have been filed before January 1, 1970, shall be deemed formed for assessment and taxation purposes for the 1970-71 fiscal year if a statement of formation of such improvement district and map or plat required by this chapter is filed on or before August 1, 1970.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Valley Community Services District formed an improvement district identical in area to the entire district, excluding special tax zone areas for which statements and maps pursuant to Section 54900 were filed before January 1, 1970. A bond election was held in the improvement district in February 1970, and bonds have been issued for the benefit of that improvement district. No new tax code areas need be formed. However, unless this act takes effect immediately, the district will not be able to levy a tax for the payment of the interest on the bonds in the fiscal year 1970-71.

CHAPTER 791

An act to amend Section 12810 of the Vehicle Code, relating to drivers' licenses, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 31, 1970 Filed with
Secretary of State August 31, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12810 of the Vehicle Code is amended to read:

12810. In determining the violation point count, any conviction of failure to stop in the event of an accident resulting in damage to property or otherwise failing to comply with the requirements of Section 20002, of driving a motor vehicle while under the influence of intoxicating liquor, or of reckless driving shall be given a value of two points and any other traffic conviction involving the safe operation of a motor vehicle upon the highway shall be given a value of one point; provided, that conviction for only one violation arising from one occasion of arrest or citation shall be counted in determining the violation point count for the purposes of this section.

Any person whose driving record shows a violation point count of four or more points in 12 months, six or more points in 24 months or eight or more points in 36 months shall be prima facie presumed to be a negligent operator of a motor vehicle.

Any accident in which the operator is deemed by the department to be responsible shall be given a value of one point.

In applying the provisions of this section to a driver, the department shall give due consideration to the amount of use or mileage traveled in the operation of a motor vehicle.

SEC. 2 The sum of one million three hundred sixty-seven thousand five hundred three dollars (\$1,367,503) is hereby appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles, in augmentation of Item 234 of the Budget Act of 1970 for support of the driver improvement and control program for negligent drivers.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Funds are needed for the support of the driver improvement and control program for negligent drivers immediately in order to provide training for such drivers and to provide, at the earliest possible date, for the safety of the motoring public.

CHAPTER 792

An act to amend Section 21115 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21115 of the Vehicle Code is amended to read:

21115. If a local authority finds that a highway under its jurisdiction is located adjacent to a golf course and between the golf course and the place where golf carts are parked or

stored or is within or bounded by a real estate development offering golf facilities and is designed and constructed, so as to safely permit the use thereof of regular vehicular traffic and also the driving of golf carts thereon, the local authority may by resolution or ordinance designate such highway or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such highway shall be so designated for a distance of more than one-half mile from the golf course if such highway is not located within such a development or beyond the area of such development, provided, the finding of the local authority in this respect shall be conclusive. Upon such designation becoming effective it shall be lawful to drive golf carts upon such highway in accordance with the rules and regulations prescribed as aforesaid. Such rules and regulations may establish speed limits and other operating standards but shall not require that the golf carts conform to any requirements of this code with respect to equipment, registration, or licensing.

The rules and regulations shall not be effective until appropriate signs giving notice thereof are posted along the highway affected.

A "real estate development offering golf facilities," for purposes of this section, means an area of single-family or multiple-family residences, with a security gate, the owners or occupants of which are eligible for membership in, or the use of, one or more golf courses within such development by virtue of their ownership or occupancy of a residential dwelling unit in such development.

CHAPTER 793

An act to amend Section 263.4 of the Streets and Highways Code, relating to the Scenic Highway System.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.4 of the Streets and Highways Code is amended to read:

263.4. The state scenic highway system shall also include:

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from:

(a) Route 1 near Cambria to Route 101 near Paso Robles.

(b) Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 68 from Monterey to Route 101 near Salinas.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.

Route 71 from:

(a) Route 15 to Route 91 near Corona.

(b) Route 91 near Corona to Route 83 north of Corona.

CHAPTER 794

An act to amend Section 851.6 of the Penal Code, relating to records of arrest.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 851.6 of the Penal Code is amended to read:

851.6. (a) In any case in which a person is arrested without a warrant and is released without being formally charged with a crime pursuant to paragraph (1) of subdivision (b) of Section 849, such person shall be issued a certificate, signed by the releasing officer or his superior officer, describing the action as a detention. The Attorney General shall prescribe the form and content of such certificate.

(b) Any person who was arrested without a warrant and released before November 10, 1969, without being formally charged with a crime pursuant to paragraph (1) of subdivision (b) of Section 849 who requests a certificate described in subdivision (a) shall be issued such a certificate by the releasing officer or his superior officer or by any officer who has succeeded to the duties of either of such officers, if records of such arrest are available.

CHAPTER 795

An act to amend Section 8344 of the Fish and Game Code, relating to fishing.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8344 of the Fish and Game Code is amended to read:

8344. Mussels (*Mytilus californianus*) may be taken only in accordance with such regulations as the commission may prescribe.

CHAPTER 796

An act to amend Section 245 of the Penal Code, relating to assaults.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 245 of the Penal Code is amended to read:

245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for six months to life, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable

as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Authority or any successor to the authority and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 2. Section 245 of the Penal Code is amended to read:

245. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for six months to life, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties shall be punished by imprisonment in the state prison for six months to life; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this section, "peace officer" refers to any person designated as a peace officer by Section 830.1, Section 830.2, subdivision (j) of Section 830.3, or by subdivision (a) of Section 830.6, as well as any policeman of the San Francisco Port Authority or any successor to the authority and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game, and each member of a state college police department appointed pursuant to Section 24651 of the Education Code and each member of a security patrol of a school district appointed pursuant to Section 15832 of the Education Code.

SEC. 3. It is the intent of the Legislature, if the amendments to Section 245 of the Penal Code proposed by this bill and Senate Bill No. 446 are enacted that the amendments of both bills be given effect and incorporated into Section 245 of

that code. Therefore, in the event Senate Bill No. 446 is enacted and amends Section 245 of the Penal Code, Section 2 of this act shall become operative at the same time that Section 245 as amended by Senate Bill No. 446 becomes operative, and, at that time, Section 245 as amended by Section 1 of this act is repealed.

CHAPTER 797

An act to amend Section 27720 of the Government Code and to add Article 1.7 (commencing with Section 1636) to Chapter 1 of Part 3 of Division 1 of the Revenue and Taxation Code, relating to equalization of assessments, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27720 of the Government Code is amended to read:

27720. The board of supervisors of any county may establish the office of county hearing officer. The duties of the office are to conduct hearings for the county or any board, commission or committee thereof, except that this chapter shall not apply to any hearing conducted by a planning commission.

SEC. 2. Article 1.7 (commencing with Section 1636) is added to Chapter 1 of Part 3 of Division 1 of the Revenue and Taxation Code, to read:

Article 1.7. Assessment Hearing Officers

1636. The county board of supervisors may appoint one or more assessment hearing officers or contract with the Office of Administrative Procedure for the services of a hearing officer pursuant to Chapter 14 (commencing with Section 27720) of Part 3 of Division 2 of Title 3 of the Government Code to conduct hearings on any assessment protests filed under Article 1 (commencing with Section 1601) of this chapter and to make recommendations to the county board of equalization or assessment appeals board concerning such protests. Only persons meeting the qualifications prescribed by Section 1624 may be appointed as an assessment hearing officer.

1637. Hearings before an assessment hearing officer shall be conducted pursuant to the provisions of Article 1 (commencing with Section 1601) of this chapter governing equalization proceedings by a county board of equalization or an assessment appeals board. The assessment hearing officer may conduct hearings on applications where:

(a) The applicant is the assessee and has filed an application under Section 1607;

(b) The total assessed value of the property under consideration, as shown on the current assessment roll, does not exceed twelve thousand five hundred dollars (\$12,500); and

(c) The applicant has requested that the hearing be held before an assessment hearing officer.

1638. The applicant may be represented in the hearing of the application and shall have the right to offer evidence. The assessor may be represented in the hearing by one or more members of his staff, and the assessor and members of his staff shall have the right to offer evidence. The hearing shall be conducted in accordance with Section 1609.2. The hearing and disposition of applications shall be conducted in an informal manner.

1639. The hearing officer shall conduct the hearing and shall prepare a summary report of the proceedings together with his recommendation on the assessment protest. The hearing officer shall transmit his report and recommendation to the clerk of the board of supervisors. The report and recommendation shall not constitute precedent for future proceedings initiated by the applicant or other applicants.

1640. The clerk shall transmit by mail to the protesting party and shall transmit to the county board of equalization or assessment appeals board the hearing officer's report and recommendation on the assessment protest. The protesting party shall be informed that the county board of equalization is not bound by the recommendation of the assessment hearing officer and that he is entitled to a full hearing before the county board or assessment appeals board.

1641. Upon being notified of the recommendation of an assessment hearing officer the protesting party may request the county board of equalization or assessment appeals board to accept the recommendation of the hearing officer.

The county board of equalization or assessment appeals board shall, without further testimony, either:

(a) Accept the recommendation and change the assessed value in accordance with Section 1605; or

(b) Reject the recommendation and set the application for reduction for hearing by the local board of equalization.

If a request is not filed with the county board of equalization or assessment appeals board, the applicant may, within 21 days after mailing of the hearing officer's report and recommendation, make application for a hearing before the county board, and the application shall be set for hearing by the board. The board may consider, but shall not be bound by, the recommendation of the assessment hearing officer.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for this act to be utilized during the current fiscal year it is necessary for this act to take effect immediately.

CHAPTER 798

*An act to amend Section 8010 of the Fish and Game Code,
relating to the Department of Fish and Game.*

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8010 of the Fish and Game Code is amended to read:

8010. The department shall:

(a) Gather and prepare data of the commercial fisheries, showing particularly the extent of the fisheries and the extent to which the various species abound.

(b) Make such investigations of the biology and the environment of the living marine resources as will aid in the collection and preparation of the statistical information necessary to determine the population dynamics of the species relative to their scientific management.

(c) Make such investigations as will disclose the optimum sustainable yield of the various marine resources.

(d) Determine what measures may be advisable to conserve any fishery, or to enlarge and assist any fishery where that may be done without danger to the supply.

CHAPTER 799

*An act to amend Sections 3106, 3220, and 3224 of the Public
Resources Code, relating to oil and gas conservation.*

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3106 of the Public Resources Code is amended to read:

3106. The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or reservoir energy; and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells.

The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the oil industry for the purpose of in-

creasing the ultimate recovery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of underground hydrocarbons it is hereby declared as a policy of this state that the grant in an oil and gas lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all hydrocarbons from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would do, having in mind the best interests of the lessor, lessee and the state, in producing and removing hydrocarbons, including but not limited to the injection of air, gas, water or other fluids into the productive strata, the application of pressure heat or other means for the reduction of viscosity of the hydrocarbons, the supplying of additional motive force or creating of enlarged or new channels for the underground movement of hydrocarbons into production wells, when such methods or processes employed have been approved by the supervisor; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

SEC. 2. Section 3220 of the Public Resources Code is amended to read:

3220. The owner or operator of any well on lands producing or reasonably presumed to contain oil or gas shall properly case it with water-tight and adequate metal casing, in accordance with methods approved by the supervisor or the district deputy, and shall, under his direction, shut off all water overlying and underlying oil-bearing or gas-bearing strata and prevent any water from penetrating such strata. The owner or operator shall also use every effort and endeavor to prevent damage to life, health, property, and natural resources; to shut out detrimental substances from strata containing water suitable for irrigation or domestic purposes and from surface water suitable for such purposes; and to prevent the infiltration of detrimental substances into such strata and into such surface water.

SEC. 3. Section 3224 of the Public Resources Code is amended to read:

3224. The supervisor shall order such tests or remedial work as in his judgment are necessary to prevent damage to life, health, property, and natural resources; to protect oil and gas deposits from damage by underground water; or to prevent the escape of water into underground formations, or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, to the best interests of the neighboring property owners and the public. The order shall be in writing, signed by the supervisor. It shall be served upon the owner of the well, or his local agent,

either personally or by mailing a copy of the order to the post office address given at the time the local agent is designated. If no local agent has been designated, the order shall be served by mailing a copy to the last known post office address of the owner, or if the owner is unknown, by posting a copy in a conspicuous place upon the property, and publishing it once a week for two successive weeks in some newspaper of general circulation throughout the county in which the well is located. The order shall specify the conditions sought to be remedied and the work necessary to protect such deposits from damage from underground water.

CHAPTER 800

An act to add Section 23752.4 to the Education Code, relating to the California State Colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23752.4 is added to the Education Code, to read:

23752.4. The Trustees of the California State Colleges may acquire, pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, of the Government Code) or by lease or other means, real property and may construct and improve student health centers entirely or in part by the use of funds acquired pursuant to this section.

The trustees may prescribe under Section 23751 a fee to provide for the acquisition, construction, and improvement of such facilities, in such amounts and under such circumstances as may be determined by the trustees.

Except as otherwise provided in this section, revenues received by the trustees from such facilities fee shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Facilities Revenue Fund, which fund is hereby created. The trustees may pledge all or any part of such revenues in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947 (Article 2 (commencing with Section 24501), Chapter 11, Division 18), in which case such revenues shall be deposited, transmitted and used in the manner provided by that law. All revenues received by the trustees from such facilities fee, to the extent not pledged in connection with bonds or notes issued pursuant to the State College Revenue Bond Act of 1947, are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construc-

tion, and improvement of student health centers on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees. Moneys in the State College Facilities Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State College Facilities Revenue Fund.

All capital outlay projects in excess of sixty-five thousand dollars (\$65,000) to be constructed with revenue from the fee established pursuant to this section shall be approved by the Legislature.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to assure that the funds collected pursuant to this act are utilized for their intended purpose beginning with the fall 1970 academic term, it is necessary that the fund established by this act be in existence at that time. Unless this act becomes effective immediately, the application of this act to the fall 1970 academic term will be lost.

CHAPTER 801

An act to amend Sections 9900, 9903, 9904, 9906, and 9909 of, and to add Section 9107.5 to, the Government Code, relating to legislative advocacy.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 9107.5 is added to the Government Code, to read:

9107.5. Notwithstanding the provisions of Section 9107, any reference in any code or statute to the Joint Committee on Legislative Organization shall be deemed a reference to the Joint Rules Committee

SEC. 1.5. Section 9900 of the Government Code is amended to read:

9900. When used in this chapter

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of

value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "committee" means the Joint Rules Committee.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

SEC. 2. Section 9903 of the Government Code is amended to read:

9903. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the committee between the 1st and 10th day of each calendar month succeeding a month during any part of which the Legislature was in session and at other times during the year between the 1st and 10th day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year, a statement containing complete as of the day next preceding the date of filing.

(1) The name and address of each person who has made a contribution of one hundred dollars (\$100) or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of one hundred dollars (\$100) or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of twenty-five dollars (\$25) or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

SEC. 3. Section 9904 of the Government Code is amended to read:

9904. A statement required by this chapter to be filed with the committee

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the committee, Sacramento, California, but in the event it is not received, a duplicate of such statement shall be properly filed upon notice by the committee of its nonreceipt;

(b) Shall be preserved by the committee for a period of two years from the date of filing, shall constitute part of the public records of the committee, and shall be open to public inspection.

SEC. 4. Section 9906 of the Government Code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the committee and shall give to such committee in writing and under oath, his full legal name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. He shall also, at the time of registering, submit to the committee a written authorization from each person by whom he is employed to act in furtherance of such object. Such person shall again register at each succeeding regular session of the Legislature and again submit at that time the information and authorization required by this subdivision (a), unless he at that time is no longer engaged for pay or other consideration for the purposes hereinabove specified.

(b) Each such person so registering shall, between the 1st and 15th day of each calendar month, so long as his activity continues, file with the committee a detailed report under oath of all money received and each expenditure of twenty-five dollars (\$25) or more during the preceding calendar month in carrying on his work; to whom paid; for what purposes; the total of all expenditures during the preceding calendar month; and the names of any papers, periodicals, magazines, or other

publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any state official acting in his official capacity; nor to any elected public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical, radio or television station (including any individual who owns, publishes, or is employed by any such newspaper or periodical, radio or television station) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, radio or television station or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church.

(c) All information required to be filed under the provisions of this section with the committee and not previously published shall be compiled by the committee as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the journal of the house of the chairman of the committee within the week immediately preceding final adjournment at each regular session.

(d) In addition to the requirements of subdivision (a), no person subject to that subdivision shall attempt to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California, unless he shall have received the certificate of registration provided for by subdivision 1 of Section 9909.

SEC. 5. Section 9909 of the Government Code is amended to read:

9909. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through an appropriately established joint committee or individual committees thereof, as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in, Section 9906 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9910 and spe-

cifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9910 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have willfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 15 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Section 9054 or 9056 of this code or of related provisions of law.

8. In addition to any other powers conferred by this section the appropriately established committees may revoke the certificate of registration required by subdivision (d) of Section 9906 for failure to file the reports required by subdivision (b) of Section 9906, except that no certificate shall be revoked within 90 days of a failure to file such a report, for failure to file such report, if, prior to the last day for filing such reports, the appropriately established committee has been informed, in writing, of extenuating circumstances justifying such failure.

CHAPTER 802

An act to add Sections 10327 and 10356 to, and to repeal Section 10356 of, the Agricultural Code, relating to cattle vaccination, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10327 is added to the Agricultural Code, to read:

10327. To accomplish the purpose of this chapter and to prevent outbreaks of brucellosis, the director shall by regulation establish conditions for the movement of female dairy cattle, such as evidence of calfhood vaccination or other appropriate recognized tests.

SEC. 2. Section 10356 of the Agricultural Code is repealed.

SEC. 3. Section 10356 is added to the Agricultural Code, to read:

10356. The vaccination of any bovine animal pursuant to the provisions of this chapter shall be by either an official veterinarian or an accredited veterinarian, who is authorized by the department. The director may charge a reasonable fee to cover the cost of any vaccination performed by an official veterinarian other than the cost of the vaccine.

SEC. 4. This act shall become operative July 1, 1970.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

After July 1, 1970, no funds will be available for the vaccination of cattle against brucellosis unless this act becomes operative on that date. It is, therefore, imperative that this act take effect immediately to prevent a possible outbreak of brucellosis.

CHAPTER 803

An act to add Sections 5774.1, 5774.2, 5774.3, and 5774.4 to the Education Code, relating to special reading instruction programs.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5774.1 is added to the Education Code, to read:

5774.1. The State Board of Education shall prepare a consolidated application form for use by each school district mak-

ing application for appointment of a specialist teacher. The consolidated application form shall include any request for funds under Titles I, II, and III of the Elementary and Secondary Education Act of 1965, as amended, the Education Improvement Act of 1969 (Chapter 6.8 (commencing with Section 6499.200) of this division), the Professional Development and Program Improvement Act of 1968 (Article 3.6 (commencing with Section 13355) of Chapter 2 of Division 10), the Special Teacher Employment Programs (Article 4 (commencing with Section 6481) of Chapter 6.5 of this division, and any other state or federal act which provides funds to assist in the reading program for grades 1, 2, and 3.

SEC. 2. Section 5774.2 is added to the Education Code, to read:

5774.2. Any school district making an application for appointment of a specialist teacher shall use the consolidated application form to make application for funds under any of the acts specified in Section 5774.1 that will be used to assist in the reading program in grades 1, 2, and 3. The application form shall be accompanied by a single coordinated project or program for all the funds for which application is made, as well as the funds of the district devoted to the project or programs.

SEC. 3. Section 5774.3 is added to the Education Code, to read:

5774.3. The coordinated project and program shall be approved as required by law and regulations adopted by the State Board of Education.

SEC. 4. Section 5774.4 is added to the Education Code, to read:

5774.4. The coordinated project or program shall include a specialist teacher, and any other educational component that is approved by the State Board of Education, including, but not limited to, teacher aides, tutors, interns, diagnosticians, nonconsumable and consumable materials and equipment, and administration, supervision or coordination. Each coordinated project or program shall include provisions for evaluation.

CHAPTER 804

An act to add Section 8608 to the Water Code, relating to flood control.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8608 is added to the Water Code, to read:

8608. The board shall establish and enforce standards for the maintenance and operation of levees, channels, and other flood control works of an authorized project or an adopted plan, including but not limited to standards for encroachment

construction, vegetation and erosion control measures. In adopting such standards, the board shall give full consideration to fish and wildlife, recreation and environmental factors. Any violation of such adopted standards without the permission of the board is a public nuisance, and the board may commence and maintain suit in the name of the people of the state for the prevention or abatement of the nuisance.

SEC. 2. The Legislature finds and declares that the establishment of enforceable standards for the maintenance and operation of levees, channels, and other flood control works of a project or plan authorized or adopted by the Reclamation Board is necessary to provide effective and uniform flood protection to the people of the state, and to insure that the maintenance and operation of such works will not adversely affect the vital interests of the people of the state in fish and wildlife, recreation, and the preservation and enhancement of the natural environment.

CHAPTER 805

An act to amend Sections 76.1, 76.4, 76.7, 77.1, 77.5, 77.9, 78.6, 78.7, 78.9, and 79 of, and to add Section 79.1 to, the Harbors and Navigation Code, relating to harbors and watercraft.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 76.1 of the Harbors and Navigation Code is amended to read:

76.1. Unless the context otherwise requires, the following definitions shall govern the construction of this article:

(a) "Broker" refers to a person who, as a whole or partial vocation, sells or offers for sale, buys or offers to buy, lists, solicits prospective purchasers of, negotiates the purchase or sale or exchange of, yachts or ships.

A person shall be deemed to be a broker, within the meaning of this section, if, he does any of the acts or participates in any of the transactions herein defined, even though at some subsequent time he may obtain title to, or procure in his own name the certification or registration of, the yacht or ship in question.

(b) "Department" refers to the Department of Navigation and Ocean Development.

(c) "Director" refers to the Director of Navigation and Ocean Development.

(d) "Person" includes individual, copartnership, association, and corporation.

(e) "Salesman" refers to an individual who, as a whole or partial vocation, for compensation, is employed by a licensed broker to do any or all things that the broker may do under this article.

(f) "Yacht" and "ship" refer to any vessel for navigating in water which is propelled by machinery or sail, except sailboats 12 feet or less in length.

SEC. 2. Section 76.4 of the Harbors and Navigation Code is amended to read:

76.4. The director may:

(a) In accordance with the State Civil Service Act, select, employ and fix the compensation of such employees as may be necessary properly to administer this article.

No employee of the department shall be interested in any company or brokerage firm as director, stockholder, officer, member, agent, or employee, nor act as a broker or salesman, or have any interest with any broker or salesman.

The director may prescribe the duties of all employees.

The director and any member of the department may administer oaths for the purpose of administering this article.

(b) Regulate and control the issuance and revocation, both temporary and permanent, of the licenses issued under this article.

(c) Prescribe rules and regulations to carry this article into effect. All such rules and regulations shall become effective as provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

(d) Perform all other acts and duties necessary for the proper enforcement of this article.

(e) Institute proceedings in any court of competent jurisdiction to enforce the provisions of this article by injunction or otherwise.

(f) The department may establish branch offices in such other cities as may be necessary for the proper administration of this article.

SEC. 3. Section 76.7 of the Harbors and Navigation Code is amended to read:

76.7. The department shall publish or cause to be published on or before July 1st of each year a directory of licensed brokers and salesmen and may publish such additional information as it deems expedient.

The department may also issue a periodical bulletin concerning affairs arising under the administration of this article.

The department shall submit to the Governor a full and true report of transactions under this article, including a complete statement of receipts and expenditures during the preceding two years. This report shall be a part of the biennial report of the department.

SEC. 4. Section 77.1 of the Harbors and Navigation Code is amended to read:

77.1. Any person purchasing used yachts or ships for resale or taking yachts or ships in trade for resale shall transfer actual title to any such yacht or ship into his name and have in his possession, subject to inspection by the department, a good and sufficient bill of sale or other fit evidence of title.

SEC. 5. Section 77.5 of the Harbors and Navigation Code is amended to read:

77.5. (a) Every license issued to a corporation entitles an officer of the corporation to act as the licensee under the license and every license issued to a copartnership entitles one member to act as the licensee under the license.

Any officer of a corporation or member of a copartnership who desires to act as a broker or salesman under this article on his own behalf shall procure a license.

(b) Every corporation making application for a license under this article shall furnish the department with a resolution of its board of directors, giving the name of the officer who is to act for and on behalf of the corporation, and every copartnership making an application for a license under this article shall set forth in the application the name of the partner who is to act under a license for and on behalf of the copartnership.

(c) Every corporation licensed under the provisions of this article may, by a resolution of its board of directors, substitute another officer for the one named in the license; provided, the person to be substituted qualifies by passing a written examination and the corporation pays the required fees, as set forth in this article.

(d) Every copartnership licensed under the provisions of this article may substitute another partner for the one named in the license; provided, such partner qualifies by passing the written examination and the copartnership pays the required fees as set forth in this article.

SEC. 6. Section 77.9 of the Harbors and Navigation Code is amended to read:

77.9. The department may suspend or revoke the license of a broker or salesman who has committed any of the following acts:

(a) Makes a substantial misrepresentation upon which any person has relied.

(b) Makes a false warranty of a character likely to influence, persuade, or induce any person with whom business is transacted under this article.

(c) Engages in a continued and flagrant course of misrepresentation or makes false warranties, whether or not relied upon by another person.

(d) Acts for the buyer and seller in a transaction without the knowledge and consent of both parties.

(e) Commingles the money or other property of his principal with that of his own, when the yacht or ship involved in the transaction is not his own.

(f) Does any of the acts or participates in any of the transactions defined in subdivision (a) of Section 76.1 with respect to any yacht or ship not numbered in accordance with the provisions of Chapter 5 (commencing with Section 650) of Division 3.

(g) Performs any act or participates in any transaction which belongs to or is connected with an activity other than that for which he is licensed.

(h) Uses coercive or oppressive methods for the purpose of obtaining business or of procuring an exclusive listing; or participating in a transaction knowing that such means have been or will be used therein.

(i) Quotes prices higher than the gross listing prices.

(j) Engages in any other conduct constituting fraud or dishonest dealings, either with respect to his principal or other persons.

(k) Permits his name to be used for the purpose of assisting any person who is not a licensed yacht and ship broker or salesman to evade the provisions of this article.

(l) Violates any provision of Section 77.7.

SEC. 7. Section 78.6 of the Harbors and Navigation Code is amended to read:

78.6. (a) The amount of fees prescribed by this article is that fixed by the following schedule:

(1) For every original broker's license the fee is one hundred dollars (\$100), but the department may reduce the fee to not less than fifty dollars (\$50).

(2) For the annual renewal of an original broker's license the fee is fifty dollars (\$50), but the department may reduce the fee to not less than twenty-five dollars (\$25).

(3) For every original salesman's license the fee is twenty-five dollars (\$25), but the department may reduce the fee to not less than ten dollars (\$10).

(4) For the annual renewal of an original salesman's license the fee is twenty-five dollars (\$25), but the department may reduce the fee to not less than ten dollars (\$10).

(b) The department shall charge and collect the following fees:

(1) Five dollars (\$5) for a salesman's temporary license.

(2) Ten dollars (\$10) for every license obtained by a broker for a branch office and for every renewal thereof.

(3) Five dollars (\$5) for changing the name or address of a broker on the records of the department.

(4) Five dollars (\$5) for every transfer of a salesman's license for every change of employment.

(5) Five dollars (\$5) for a duplicate license.

(6) Ten dollars (\$10) for the substitution of a name in the license of a corporation or copartnership.

(7) Ten dollars (\$10) for the granting of a certificate of convenience under Section 79.

(8) Fifteen dollars (\$15) for an examination.

SEC. 8. Section 78.7 of the Harbors and Navigation Code is amended to read:

78.7. (a) A person shall be deemed qualified to be licensed as a broker if, as shown by the affidavits of two responsible persons, he has, or has the equivalent of:

(1) Has, for a period of one year prior to making an application, owned and operated a shipyard, or ship repair facility, or a landing or mooring basin, or has been a marine surveyor, or has been a foreman or superintendent of a shipyard;

(2) Been licensed by this or another state for a period of one year;

(3) Been employed as a yacht or ship salesman for at least one year.

(b) The department shall issue licenses for yacht and ship brokers or salesmen based on examinations covering all phases of the business.

(c) Nothing in this section shall be construed to disqualify a person who was engaged in an activity covered by this article at the time such activity became subject to licensing.

SEC. 9. Section 78.9 of the Harbors and Navigation Code is amended to read:

78.9. Temporary licenses may be issued to salesmen under the following conditions:

(a) Such licenses shall be issued for a period not to exceed 60 days, and only one license shall be issued to each applicant.

(b) An application shall be filed for a temporary license and for a permanent license, and at the same time the applicant shall pay the prescribed fee.

(c) The applicant shall state under oath his qualifications for the position of salesman, and shall show that he has not been guilty of any conduct and has not done any act that would constitute good cause for the suspension or revocation of a permanent license.

(d) On or before the expiration date of the temporary license, such licensee shall take a written examination for a permanent license. If without valid excuse he fails to appear for the examination at the time prescribed, the examination fee shall be forfeited.

SEC. 10. Section 79 of the Harbors and Navigation Code is amended to read:

79. The department may issue a certificate of convenience to the executor or administrator of the estate of a deceased agent or broker, or if no executor or administrator has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to act as a broker in the conduct of the business of the estate for a period of 45 days from and after the date of death pending, but not later than, disposal of the business unless such person qualifies by examination for a permanent broker's license. The department may extend the certificate of convenience beyond the 45 days on the showing of a just and reasonable cause.

SEC. 11. Section 79.1 is added to the Harbors and Navigation Code, to read:

79.1. Every violation of this article is a misdemeanor.

CHAPTER 806

An act to add Sections 3240.5 and 3240.6 to the Fish and Game Code, relating to commercial hunting club licenses.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3240.5 is added to the Fish and Game Code, to read:

3240.5. Every person in possession of property who imposes or collects a fee for the privilege of taking birds or mammals thereon, or who imposes or collects a fee for any type of entry or use permit, including renting or leasing property, which includes the privilege of taking birds or mammals on such property, except to a licensed commercial hunting club, is maintaining a commercial hunting club if birds or mammals are taken on such property, and shall procure a "commercial hunting club license."

This article does not apply to any licensed pheasant club, nonprofit corporation, or other nonprofit organizations, governmental entity, lands leased and used for agriculture or livestock grazing purposes, or land used for incidental camping purposes without the privilege of hunting, when the taking of any bird or mammal by the lessee or his guests is incidental to the primary purposes of the lease and no fees for hunting privileges are paid to the lessor, or any person who receives less than a total of five hundred dollars (\$500) between July 1 and the following June 30 for permission, entry, access, or use fees which include the privilege of hunting on property in his possession.

SEC. 2. This act shall become operative July 1, 1971 and shall remain in effect only until the 91st day after the adjournment of the 1973 Regular Session of the Legislature and shall have no force or effect after that date Section 3240 of the Fish and Game Code shall be inoperative until 91st day after adjournment of 1973 Regular Session of the Legislature.

SEC. 3. Section 3240.6 is added to the Fish and Game Code, to read:

3240.6. Section 3240.5 does not apply to licensed domesticated migratory game bird shooting areas

SEC. 4. Section 3 shall be operative only if Assembly Bill No. 849 is enacted and shall be operative at the same time as Assembly Bill No. 849 takes effect.

CHAPTER 807

An act to amend Section 846 of the Civil Code, and to amend Section 831.4 of the Government Code, relating to liability for injury on public property.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 846 of the Civil Code is amended to read:

846. An owner of any estate in real property owes no duty of care to keep the premises safe for entry or use by others for fishing, hunting, camping, water sports, hiking, riding, or sightseeing or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in this section.

An owner of any estate in real property who gives permission to another for entry or use for the above purposes upon the premises does not thereby (a) extend any assurance that the premises are safe for such purposes, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purposes was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

SEC. 2. Section 831.4 of the Government Code is amended to read:

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of:

(a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways.

(b) Any trail used for the above purposes.

CHAPTER 808

An act to add Section 21661.5 to the Public Utilities Code, relating to airports.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21661.5 is added to the Public Utilities Code, to read:

21661.5. No political subdivision, any of its officers or employees, or any person may submit any application for the construction of a new airport to any local, regional, state, or federal agency unless the plan for such construction is first approved by the board of supervisors of the county, or the city council of the city, in which the airport is to be located and unless the plan is submitted to the appropriate commission exercising powers pursuant to Article 3.5 (commencing with Section 21670) of Chapter 4 of Part 1 of Division 9, and acted upon by such commission in accordance with the provisions of such article.

CHAPTER 809

An act to amend Sections 1526, 1528, and 1534 of the Penal Code, relating to search warrants.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1526 of the Penal Code is amended to read:

1526. (a) The magistrate may, before issuing the warrant, examine on oath the person seeking the warrant and any witnesses he may produce, and must take his affidavit or their affidavits in writing, and cause same to be subscribed by the party or parties making same.

(b) In lieu of the written affidavit required in subdivision (a), the magistrate may take an oral statement under oath which shall be recorded and transcribed. The transcribed statement shall be deemed to be an affidavit for the purposes of this chapter. In such cases, the recording of the sworn oral statement and the transcribed statement shall be certified by the magistrate receiving it and shall be filed with the clerk of the court.

SEC. 2. Section 1528 of the Penal Code is amended to read:

1528. (a) If the magistrate is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search

warrant, signed by him with his name of office, to a peace officer in his county, commanding him forthwith to search the person or place named, for the property or things specified, and to retain such property or things in his custody subject to order of the court as provided by Section 1536.

(b) The magistrate may orally authorize a peace officer to sign the magistrate's name on a duplicate original warrant. A duplicate original warrant shall be deemed to be a search warrant for the purposes of this chapter, and it shall be returned to the magistrate as provided for in Section 1537. In such cases, the magistrate shall enter on the face of the original warrant the exact time of the issuance of the warrant and shall sign and file the original warrant and the duplicate original warrant with the clerk of the court as provided for in Section 1541.

SEC. 3. Section 1534 of the Penal Code is amended to read:

1534. (a) A search warrant shall be executed and returned to the issuing magistrate within 10 days after date of issuance. A warrant executed within the 10-day period shall be deemed to have been timely executed and no further showing of timeliness need be made. After the expiration of 10 days, the warrant, unless executed, is void. The documents and records of the court relating to the warrant need not be open to the public until the execution and return of the warrant or the expiration of the 10-day period after issuance. Thereafter, if the warrant has been executed, the documents and records shall be open to the public as a judicial record.

(b) If a duplicate original search warrant has been executed, the peace officer who executed the warrant shall enter the exact time of its execution on its face.

CHAPTER 810

An act to amend Section 21464 of the Vehicle Code, relating to malicious mischief.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21464 of the Vehicle Code is amended to read:

21464. (a) No person shall without lawful authority deface, injure, attach any material or substance to, knock down, or remove, nor shall any person shoot at, any official traffic control device, traffic guidepost, traffic signpost, or historical marker placed or erected as authorized or required by law, nor shall any person without such authority deface, injure, attach any material or substance to, or remove, nor shall any person shoot at, any inscription, shield, or insigne on any such device, guide, or marker.

(b) Any willful violation of subdivision (a) which results in injury to, or death of, a person shall be punished by imprisonment in the state prison for a period of not more than five years, or imprisonment in a county jail for a period of not more than six months.

CHAPTER 811

An act to amend Section 1352 of the Code of Civil Procedure and to amend Section 1027 of the Probate Code,, relating to unclaimed property.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1352 of the Code of Civil Procedure is amended to read:

1352. (a) Whenever unclaimed money or other property is deposited in the State Treasury under the provisions of this title, and, except as otherwise provided by law, whenever there is in the possession of the state or its officers any money or other property which is held for third persons or the title to which has vested in the state subject to the rights of third persons, and the period during which it may be claimed by a person entitled thereto has not terminated, such period and person being prescribed by law, if the value of the money or other property to which the claimant is entitled is less than one thousand dollars (\$1,000), any such person may present his claim for it to the Controller.

The claim shall be made in the form prescribed by the Controller, which shall require the showing of facts necessary to establish right or title to the money or other property in the claimant. With the approval of the State Board of Control and the Attorney General, the Controller may allow and order paid such claim.

(b) Property assigned or distributed to a named distributee may be claimed by the distributee himself, or his legal guardian or conservator, as provided in subdivision (a) regardless of the amount. This subdivision does not apply to the heirs or estate of a distributee, or to property distributed to the state for lack of known heirs.

SEC. 2. Section 1027 of the Probate Code is amended to read.

1027. Executors or administrators, public or otherwise, must apply for distribution of an estate at the time of filing a final account. Notice of such application must be given in the manner provided in Section 1200 of the Probate Code. If the court, at the time set for the hearing of the final account, or such time thereafter to which the matter may be continued, does not distribute the entire balance of the estate remaining

for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the State of California that portion of such estate not distributed to such known heirs, devisees or legatees. Insofar as practical, any real property or tangible personal property shall be converted to money prior to transmittal to the state.

Whenever it appears that the estate or any portion thereof is to be distributed to the State of California because there are no known heirs or that the estate or any portion thereof is to be distributed to heirs, devisees or legatees whose whereabouts are unknown, the executor or administrator must serve the State Controller, personally or by mail, with a copy of the petition for distribution, together with notice of the hearing thereon, specifying the date of such hearing, and a copy of the latest account filed with the court, at least 30 days prior to the date of such hearing.

If the court distributes the estate or any portion thereof to the State of California, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the State of California both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof, as in this section provided.

Upon the rendition of a decree of distribution, any money distributed to the State of California shall forthwith be delivered to the State Treasurer by the executor or administrator, and all other personal property so distributed shall forthwith be delivered to the State Controller for deposit in the State Treasury.

A certified copy of the decree of distribution and of any court orders amending the same must be delivered to the State Controller by the executor or administrator at the time of making any remittance in connection with an estate.

No deposit of property in an estate shall be made in the county treasury by any executor or administrator, public or otherwise, if the estate has previously been distributed to the State of California pursuant to this section, but such estate shall be transmitted forthwith to the State Treasurer or State Controller as provided in this section.

The property so distributed shall be held by the State Treasurer for a period of five years from the date of the decree making such distribution, within which time any person may claim the estate or any part thereof in the manner provided by Title 10 (commencing with Section 1300) of Part 3 of the Code of Civil Procedure. Rights of nonresident aliens shall be governed by the provisions of Section 1026 of this code.

Any person who does not appear and claim, as herein required, shall be forever barred, and such property, or so much thereof as is not claimed, shall vest absolutely in the state.

CHAPTER 812

An act to add Section 149.1 to the Streets and Highways Code, and to repeal Section 3 of Chapter 703 of the Statutes of 1969, relating to recommendations concerning freeway lanes.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 149.1 is added to the Streets and Highways Code, to read:

149.1. The Department of Public Works shall prepare a report by January 1, 1975, on the programs which it conducted, its findings and its recommendations for the restricted use of freeway lanes in accordance with Section 149 of this code.

SEC. 2. Section 3 of Chapter 703 of the Statutes of 1969 is hereby repealed.

CHAPTER 813

An act to add Article 1.8 (commencing with Section 10771) to Chapter 2 of Part 5 of Division 2 of the Revenue and Taxation Code, and to add Article 11 (commencing with Section 5400) to Chapter 1 of Division 3 of the Vehicle Code, relating to the registration of vehicles, and making an appropriation therefor.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 5400) is added to Chapter 1 of Division 3 of the Vehicle Code, to read:

Article 11. Registration of Motorcycles
and Motor-Driven Cycles

5400. The provisions of this division shall uniformly apply to motorcycles and motor-driven cycles except as otherwise provided in this article.

5401. Every registration and registration card for motorcycles or motor-driven cycles registered for the first time in this state after February 28, 1971, and for motorcycles or motor-driven cycles not registered in this state on such date but which had been registered in this state prior to such date shall expire one year from the date the fees first became due and shall be renewed annually thereafter.

5402. Whenever any application for transfer of a motorcycle or motor-driven cycle is filed with the department within 30 days before the expiration of the registration or within 30 days after the expiration date, inclusive, the application shall

be accompanied by the full annual renewal fees for the ensuing year in addition to any other fees then due and payable.

5403. A penalty shall be added upon any application for annual renewal of registration of motorcycles or motor-driven cycles made more than 30 days after the expiration date, except as provided in Section 4604.

5404. Tabs shall indicate the month and year of expiration and when attached to the license plate assigned to the vehicle, the license plate, with such tabs, shall be deemed to be the license plates for the registration year preceding the month and year displayed on such license plate.

SEC. 2. Article 1.8 (commencing with Section 10771) is added to Chapter 2 of Part 5 of Division 2 of the Revenue and Taxation Code, to read:

Article 1.8. Motorcycles and Motor-Driven Cycles

10771. For the purpose of this article, motorcycle and motor-driven cycle shall have the same meaning that is provided in the Vehicle Code.

10772. The provisions of this part shall apply to motorcycles and motor-driven cycles except as otherwise provided in this article.

10773. The fee imposed by this part upon motorcycles and motor-driven cycles being registered for the first time in this state after February 28, 1971, and upon motorcycles and motor-driven cycles not registered in this state on such date but which had been registered in this state prior to such date, shall be for one complete year.

10774. If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of motorcycles or motor-driven cycles registered under the provisions of Section 5401 of the Vehicle Code is being renewed, the penalty shall be added to any payment made on or after the 31st day following the date of expiration date unless the vehicle has not been operated on the highway since the expiration of the prior registration.

If the fee due and delinquent and the amount of penalty prescribed in this section are paid within 30 days from the date the penalty becomes due, the amount of penalty shall be reduced to 10 percent of the total amount of the fee but in no event less than one dollar (\$1).

SEC. 3. There is hereby appropriated to the Department of Motor Vehicles from the Motor Vehicle Fund in the State Treasury, the sum of sixty-seven thousand one hundred fifty-three dollars (\$67,153) for the purposes of this act.

CHAPTER 814

An act to amend Sections 11301, 17601.1, and 18361 of, to repeal Section 15517 of, and to add Section 15517 to, the Education Code, relating to financial support of public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15517 of the Education Code, as amended by Chapters 997 and 1366 of the Statutes of 1969, shall be deemed to have been operative and in effect commencing on July 1, 1969. All actions taken by the governing board of any school district pursuant to Section 15517 on and after July 1, 1969, including the inclusion in the 1969-1970 school district budget of proposed expenditures for the purposes specified in Section 15517 and the levy of taxes therefor, whether undertaken pursuant to the section as added by Chapter 1 of the Statutes of 1967 (First Extraordinary Session) or as amended by Chapters 997 and 1366 of the Statutes of 1969, are hereby ratified, validated, confirmed, and declared legally effective for all purposes.

SEC. 1.5. Section 11301 of the Education Code is amended to read:

11301. The units of average daily attendance in the elementary schools of a district for a fiscal year shall be computed by dividing the total number of days of pupils attendance in all kindergarten and elementary schools and classes of the district during the fiscal year by the number of days school was actually taught in the regular day elementary schools of the district during the fiscal year, plus the units of average daily attendance credited to the district on account of the education of seventh and eighth grade pupils in a junior high school pursuant to Section 11404.

For the purposes of this article, a day of kindergarten attendance is based on the 180-minute minimum day, and shall be adjusted to 180 when the minimum day is less than 180 minutes as authorized by Section 11003.

Commencing on July 1, 1970, when the minimum schoolday for pupils in kindergarten is less than 180 minutes as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

Commencing on July 1, 1971, the minimum schoolday for pupils in kindergartens is 180 minutes inclusive of recesses, and no units of average daily attendance shall be credited for attendance in kindergarten classes if the minimum schoolday of such classes is less than 180 minutes.

For the purposes of this article, a day of attendance in special training schools or classes defined by Section 6903 is based on a 180-minute minimum day. When the minimum day is less than 180 minutes, as authorized by Section 11003, the average daily attendance shall be adjusted by a multiplication factor of 0.417.

SEC. 2. Section 15517 of the Education Code is repealed.

SEC. 3. Section 15517 is added to the Education Code, to read:

15517. The governing board of a school district may undertake corrective measures relating to fire and panic safety recommended to the governing board pursuant to Section 13143 of the Health and Safety Code by the State Fire Marshal, including the installation of protective and warning devices and intrusion alarms, or for any purpose for which the fire marshal certifies is necessary for fire and panic safety, in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to effect the corrective measures recommended by the State Fire Marshal, as provided in the preceding paragraph, as shown by the budget of the district for such school year, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for expenditures of the school district during that school year required for purposes of this section.

This section shall remain in effect until July 1, 1971.

SEC. 4. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the

average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the separate state support which is provided for attendance in such schools and classes shall be recomputed on the basis of the fiscal year average daily attendance, and increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For junior colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

SEC. 4.5. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period, by the number of days such schools are actually taught in all full school months in each period.

If the average daily attendance in schools and classes maintained by school districts other than regular day schools and classes for the period of time between July 1 and June 30 is greater or lesser than the average daily attendance in such schools and classes reported for the second period report, the separate state support which is provided for attendance in such schools and classes shall be recomputed on the basis of the fiscal year average daily attendance, and increases and decreases in apportionments shall be added or withheld in the next succeeding fiscal year pursuant to Section 17414.

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined pursuant to the provisions of Article 5.5 (commencing with Section 11475). For junior colleges, under the provisions of this paragraph, the "first period" shall be the first semester and the "second period" shall be the "academic year" (first and second semester). The average daily attendance in each period shall not exceed 1 2 times the number of different pupils actively enrolled in the district during the period in which the census is taken.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 100 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults continuation schools and classes, regional occupation centers and opportunity schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 100; for the second period, the days of attendance shall be divided by 175.

SEC. 5. Section 18361 of the Education Code is amended to read:

18361. The superintendent shall compute an amount equal to the surplus in each of the county school service funds as of June 30, as shown by each of the budgets for the preceding fiscal year submitted to him pursuant to Section 18351. For the purpose of this article the surplus for each county school service fund is the total beginning balances shown on the budget so submitted, exclusive of trust funds or funds otherwise dedicated. For the purpose of this section trust funds or funds otherwise dedicated are defined as

(1) Unexpended balance of any funds that have accrued to a county school service fund under a grant of federal funds, or a grant of private or foundation funds, required to have been expended for a specified purpose, plus the amounts of county school service fund money committed for the specific purposes as required to receive the grant or trust;

(2) Unexpended balance of any state funds allocated on an average daily attendance basis for the purpose of maintaining juvenile hall schools, regional occupational centers and technical, agricultural, and natural resource conservation schools;

(3) Unexpended balances of a county or school district tax funds the levy for which was to maintain special schools and classes for the mentally retarded and physically handicapped, juvenile hall schools, children's institutions, regional occupational centers, and technical, agricultural, and natural resource conservation schools;

(4) The unexpended balance of any account within the county school service fund contributed by school districts for a specific purpose and from which account expenditures are made by the county superintendent of schools acting as an agent of the districts contributing to the account;

(5) The unexpended balance of the data processing and testing program account resulting from payments by school districts or other public agencies under contract with the county superintendent of schools for the furnishing of data processing and testing program services.

SEC. 5.5. It is the intent of the Legislature, if amendments to Section 17601.1 of the Education Code proposed by both this bill and A.B. 955 are enacted, that both amendments be given effect and incorporated in Section 17601.1 in the form set forth in Section 4.5 of this act. Therefore, in the event A.B. 955 is enacted and amends Sections 17601.1, Section 4.5 of this act shall become operative at the same time that Section 17601.1 as amended by A.B. 955 becomes operative, and at that time, Section 17601.1 of the Education Code as amended by Section 4 of this act is repealed.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

As a result of statutory changes made at the 1969 Regular Session of the Legislature, it is necessary that technical modi-

fications be made in the procedure prescribed for computing special class apportionments for school districts. If such modifications are not immediately made, during the current fiscal year, a school district could be inadvertently deprived of a justified classroom allowance. Such action would be inequitable to the school district and could cause undeserved financial hardship. It is also necessary that actions taken by school district governing boards during the period between July 1, 1969, and August 28, 1969, pursuant to Section 15517 of the Education Code, be validated as soon as possible. For these reasons, it is necessary that this act take effect immediately.

CHAPTER 815

An act to add Division 23 (commencing with Section 35000) to the Education Code, relating to the Public Service Internship Program.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Division 23 (commencing with Section 35000) is added to the Education Code, to read:

DIVISION 23. PUBLIC SERVICE INTERNSHIP PROGRAM

CHAPTER 1. GENERAL PROVISIONS

35000. For purposes of the Public Service Internship Program, a public internship is a student assignment with a governmental jurisdiction or public agency, the purpose of which is to provide the student with a learning experience designed to provide exposure to and understanding of the environment and tasks of government and of particular agencies and functions. In contrast to a specific job or work task, the internship affords creative opportunities for the intern to participate in various phases of a planned training program developed jointly and implemented cooperatively by governmental agencies and institutions of higher learning.

35001. The objectives of the Public Service Internship Program are the following:

(a) To acquaint students with the opportunities for challenging careers in public service and to stimulate the interests of students in particular functions and agencies.

(b) To enable public jurisdictions to attract students of high ability and achievement potential to government and thereby improve the overall quality of the public service.

(c) To induce students to seek careers in fields of public employment where critical shortages exist and where future personnel needs will be great.

(d) To develop closer relationships between educational institutions and government agencies of the state by fostering better understanding of each jurisdiction's respective problems and needs.

(e) To extend and improve existing legislative and administrative internship programs throughout the state, programs which have already made a major contribution to the quality of state and local government.

(f) To cooperate with agencies of the federal government and quasi-governmental and private organizations in building more effective state and local internship and training programs.

CHAPTER 2. ADMINISTRATION

35050. The Public Service Internship Program shall be administered by the State Scholarship and Loan Commission.

35051. The commission shall, within the provisions of this division establish the policies and standards for administration of the internship program.

35052. The commission shall appoint such staff as may be necessary to carry out the program.

35053. The commission shall maintain a systematic and continuous inventory and evaluation of all internships, of the type described by this division, and related preservice training opportunities within the state. The inventory shall be published and made available to educational program counselors, public agency training personnel and others who would directly benefit in their occupational capacities.

35054. The commission shall encourage and support academic institutions in collaboration with governmental agencies in developing interinstitutional and regional cooperative programs in geographical areas where collaboration will improve the overall governmental-academic institution effort.

35055. The commission shall be the designated state agency for accepting federal grants as well as contributions from private foundations and other sources for the state and local internships and related public service training activities. Nothing in this division shall preclude any state or local agency from soliciting or receiving public or private grants or contributions to finance internship programs.

CHAPTER 3. PROGRAMS

Article 1. Scope

35100. The Public Service Internship Program is designed to cover the following persons and agencies:

(a) All academic and professional disciplines and all governmental functions and activities where there is a need for academically trained manpower.

(b) All accredited private and public institutions of higher learning in California authorized to give the associate of arts

degree, the baccalaureate degree, advanced postgraduate and professional degrees.

(c) All branches, departments and agencies of the State of California; all counties, municipalities, special districts or departments thereof; and any other governmental units substantially financed by public funds.

(d) Any department or agency of the federal government that agrees to the provisions of this program and which bears its proportionate share of the total cost of the program.

35101. There shall be internships designed for prospective associate of arts degree holders in which arrangements normally will be made between a community college and a governmental agency for the establishment of internship programs and for the education and training of students for subprofessional positions.

35102. There shall be internships designed for prospective baccalaureate degree holders in which arrangements normally will be made between a four-year college and a governmental agency for the education and training of students for positions which require the baccalaureate degree.

35103. There shall be internships designed for holders of the baccalaureate degree.

35104. There shall be internships designed for candidates for advanced postgraduate degrees.

35105. The internships may be on a part-time or full-time basis.

35106. The type and level of education and training shall be based upon the academic advancement, work experience, and maturity of the intern.

35107. The establishment and operation of this Public Service Internship Program shall in no way supplant or interfere with presently established state and local internship programs or programs which may be established unless academic institutions and public agencies wish to be involved in new arrangements.

Article 2. Sponsorship

35150. Any educational institution or school or department thereof designated in subdivision (b) of Section 35100 may participate in the education and training of interns in cooperation with government agencies.

35151. Any governmental jurisdiction, department or agency may establish an internship program designed to provide an appropriate training environment and experience for interns.

35152. Internship programs shall be established and approved under standards set forth by the State Scholarship and Loan Commission as provided in Chapter 2 (commencing with Section 35050) of this division.

Article 3. Eligibility

35200. Any student in good academic standing who is enrolled in a department, school, or campuswide program of an academic institution with an approved internship program may be a candidate for an internship.

35201. Any intern selected by a government agency must maintain an academic affiliation with a college or university during the period of the internship.

CHAPTER 4. FINANCE

35250. All costs for administering the program on a statewide basis shall be borne by the state except to the extent federal funds are available therefor.

35251. Stipends for internships shall be borne by the jurisdiction or agency employing the intern.

35252. In jurisdictions which do not now employ interns, the commission, for the purposes of initiating a program, may, to the extent federal funds are available therefor, pay the stipends of interns for an initial period not to exceed three years, the number of interns to be so financed to be determined by the commission.

35253. Costs for the instruction and academic supervision of interns shall be borne by colleges and universities.

35254. Educational institutions may apply to the commission for state funds, if such funds are appropriated by the Legislature, to finance experimental, or innovative, programs including those which involve interinstitutional cooperation. Educational institutions may also apply for federal funds, to the extent they are available, for such purpose.

35255. The commission may establish the salary limits for each category of intern stipends to be financed by grants administered by the commission.

SEC. 2. The provisions of this act shall remain in effect until June 30, 1973, and shall have no force or effect after that date.

CHAPTER 816

An act to add Section 1752.3 to the Welfare and Institutions Code, relating to fund allocations.

[Approved by Governor September 2, 1970. Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1752.3 is added to the Welfare and Institutions Code, to read:

1752.3. The director may, from any moneys made available for such purposes, allocate funds to local governmental and nongovernmental agencies to share in the cost of local correctional programs which are partially financed by federal grants.

CHAPTER 817

An act to add Section 53293 to the Government Code, relating to governmental engineering and survey services.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 53293 is added to the Government Code, to read:

53293. No agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries and which has as its primary function the control and conservation of floodwaters, shall contract to provide engineering or surveying services, as defined by Chapter 7 (commencing with Section 6700) and Chapter 15 (commencing with Section 8700), respectively, of Division 3 of the Business and Professions Code, except with another governmental agency whose boundaries encompass all or a portion of the agency performing the services, or where the agencies have a mutual interest in the project or area of service for which such engineering or surveying services are to be performed.

The provisions of this section shall not be applicable to any contract executed by any such agency prior to the effective date of this section.

CHAPTER 818

An act to repeal Section 2 of Chapter 1414 of the Statutes of 1967, relating to snow removal.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1414 of the Statutes of 1967 is repealed.

CHAPTER 819

An act to amend Sections 3054 and 3057 of, and to add Section 11713.1 to, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3054 of the Vehicle Code is amended to read:

3054. The board shall have the power to reverse or amend the decision of the department if it determines that any of the following exist:

(a) The department has proceeded without or in excess of its jurisdiction.

(b) The department has proceeded in a manner contrary to the law.

(c) The decision is not supported by the findings.

(d) The findings are not supported by the weight of the evidence in the light of the whole record reviewed in its entirety, including any and all relevant evidence adduced at any hearing of the board.

(e) There is relevant evidence, which in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing.

(f) The determination or penalty, as provided in the decision of the department is not commensurate with the findings.

SEC. 2. Section 3057 of the Vehicle Code is amended to read:

3057. The board shall fix an effective date for its orders not more than 30 days from the day the order is served upon the parties or remand the case to the department for fixing an effective date. A final order of the board shall be in writing and copies thereof shall be delivered to the parties personally or sent them by registered mail. The order shall be final upon its delivery or mailing and no reconsideration or rehearing shall be permitted.

SEC. 3. Section 11713.1 is added to the Vehicle Code, to read:

11713.1. It shall be unlawful and a violation of this code for the holder of any license issued under this article to commit a fraudulent act in the repairing or servicing of a motor vehicle or of parts or accessories thereof.

SEC. 4. There is appropriated from the Motor Vehicle Fund to the Department of Motor Vehicles seventy-five thousand dollars (\$75,000) for the purpose of enforcing the provisions of Section 11713.1 of the Vehicle Code, as added by this act.

CHAPTER 820

An act to add Section 19151 to the Business and Professions Code, relating to furniture and bedding.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19151 is added to the Business and Professions Code, to read:

19151. No person licensed under this chapter shall advertise an article of upholstered furniture or bedding, or any part

thereof, including, but not limited to, headboards, footboards, or frames of beds, using in such advertisement an illustration of an article that is not the article advertised unless the illustration is coupled with a statement that the article advertised is not as illustrated, the statement to be printed in type of at least nine-point Fairfield bold caps or the equivalent thereto.

CHAPTER 821

An act to amend Section 31808.1 of, and to add Section 31700.5 to, the Government Code, relating to the County Employees Retirement Law.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31700.5 is added to the Government Code, to read:

31700.5. Notwithstanding any other provisions of this chapter, any member with more than 10 years service who resigns his position and is granted a deferred retirement under this chapter, to accept an appointment by any court of record or judge thereof in a reciprocal county, shall not be considered as breaking his continuity of service and such member shall be eligible for reinstatement within five years to the position from which he resigned or one in a lower class in the same or related series requiring similar qualifications, knowledges and abilities. The intent provision of Article 15 of this chapter shall apply to this section.

SEC. 2. Section 31808.1 of the Government Code is amended to read:

31808.1. In any county or district subject to the provisions of Section 31676.1, and to which the provisions of Section 31470.6 are applicable, the retirement allowance for any member whose principal duties consist of active law enforcement as defined in Section 31470.6, and Section 31469.3 and those made eligible to safety membership by Section 31469.4 of the Government Code for service rendered prior to the effective date of the resolution provided in Section 31800 shall be computed in accordance with the provisions of Section 31664. The retirement allowance of any such member with respect to service performed after the effective date of the resolution shall equal the total of the following:

(a) The fraction of one seventy-fifth of the first three hundred fifty dollars (\$350) monthly of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service as provided therein.

(b) The fraction of one-fiftieth of any remaining portion of the member's final compensation set forth in the table appearing in Section 31664 in the column applicable to his age at retirement taken to the preceding completed quarter year multiplied by the number of years of creditable service.

CHAPTER 822

An act to amend Section 12154 of, and to add Section 12551.5 to, the Education Code, relating to private schools.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12154 of the Education Code is amended to read:

12154. Children who are being instructed in a private full-time day school by persons capable of teaching shall be exempted. Such school shall, except under the circumstances described in Section 71, be taught in the English language and shall offer instruction in the several branches of study required to be taught in the public schools of the state. The attendance of the pupils shall be kept by private school authorities in a register, and the record of attendance shall indicate clearly every absence of the pupil from school for a half day or more during each day that school is maintained during the year.

Exemptions under this section shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of Section 29009.5 of the Education Code requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

SEC. 2. Section 12551.5 is added to the Education Code, to read:

12551.5. In the case of attendance upon private school, exemption from the requirements of attendance upon compulsory continuation education shall be valid only after verification by the attendance supervisor of the district, or other person designated by the board of education, that the private school has complied with the provisions of Section 29009.5 of the Education Code requiring the annual filing by the owner or other head of a private school of an affidavit or statement of prescribed information with the Superintendent of Public Instruction. The verification required by this section shall not be construed as an evaluation, recognition, approval, or endorsement of any private school or course.

CHAPTER 823

An act to amend Sections 74002, 74004, and 74005 of, and to add Section 74007 to, the Government Code, relating to courts.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 74002 of the Government Code is amended to read:

74002. There shall be one clerk and administrative officer for each court who shall be appointed by, and serve at the pleasure of, a majority of the judges of the court, or in the case of an equal division of the court, the senior judge of the court, and who shall receive a biweekly salary as provided by the following range numbers of Section 74005:

For the North Orange County, Central Orange County,
and West Orange County Municipal Courts ----- 64

For the Orange County Harbor Municipal Court ----- 62

For the South Orange County Municipal Court ---- 60

SEC. 2. Section 74004 of the Government Code is amended to read:

74004. (a) The number of positions within each job classification which may be filled by appointment by the clerk and administrative officer and the marshal, respectively, of each such court, and the number of the salary range set forth in Section 74005 which constitutes the compensation for each job classification, are shown in the table below, in which the various municipal courts are designated by column headings from left to right in the same order as that in which their judicial districts are named in Section 74000:

Title of job classification	Applicable salary range number	Number of positions authorized in each court				
Appointed by the clerk and administrative officer :		NOC	COC	WOC	OCH	SOC
Chief deputy clerk II, municipal court -----	56	1	1	1	0	0
Chief deputy clerk I, municipal court -----	54	0	0	0	1	1
Division head II, municipal court -----	50	3	3	3	0	0
Division head I, municipal court -----	48	1	1	1	3	1
Municipal court clerk --	46	9	9	8	4	2
Deputy clerk V, municipal court -----	42	2	2	1	1	1
Deputy clerk IV, municipal court -----	37	2	1	1	1	1

Deputy clerk III, municipal court -----	35	6	6	4	2	2
Deputy clerk II, municipal court -----	31	4	5	4	2	2
Deputy clerk I, municipal court -----	29	35	34	29	18	12
Legal stenographer I --	35	2	2	2	1	1
Secretary II -----	39	1	1	1	1	0
Secretary I -----	33	0	0	0	0	1
Systems and pro- cedures analyst II ---	59	0	1	0	0	0
Detention Release officer -----	54	0	1	0	0	0
Data input Operator -----	29	3	4	3	2	1
Interpreter -----	39	0	1	0	0	0
Appointed by the marshal:						
Lieutenant, marshal's office -----	61	1	1	1	1	0
Sergeant, marshal's office	57	4	3	3	2	1
Deputy marshal II ----	49	13	12	8	7	4
Deputy marshal I -----	47	11	11	13	4	4
Chief clerk II, marshal's office -----	43	1	1	1	0	0
Chief clerk I, marshal's office -----	41	0	0	0	1	1
Clerk III, marshal's office	35	2	1	1	1	0
Clerk II, marshal's office	31	4	3	4	2	1
Clerk I, marshal's office	29	4	4	3	1	1

(b) The Legislature finds and declares that the matter of appointing, promoting, demoting, and dismissing persons in positions with the municipal courts and all other aspects of the personnel management of municipal courts of Orange County is one for local concern. It further finds and declares that wherever possible such personnel management shall grant to persons in positions with the municipal courts equality of treatment with persons in positions with the County of Orange who are performing similar duties and who possess similar qualifications.

(c) To achieve the legislative intent expressed in subdivision (a), the municipal courts of Orange County may create a personnel committee consisting of five judges selected one from each court by a majority vote of the judges of the respective courts, or where there is an equal division of the judges of a court, by the senior judge of that court. The personnel committee may adopt rules and regulations providing for a personnel system for all municipal courts of Orange County which shall provide for equal treatment concerning methods and conditions of employment for employees and attachés of the several courts and the marshal's office and which shall provide equal treatment for such employees as is provided for

Orange County employees generally. In so providing for a personnel system, the judges may adopt all or any part of the personnel and salary resolution of the County of Orange.

(d) With the approval of the board of supervisors, the personnel system adopted by the personnel committee and made applicable to all the municipal courts of Orange County may be administered by the County of Orange through its personnel department. The board of supervisors may withdraw its approval at any time.

(e) If an increase in the business of the court or any other emergency requires a greater number of attachés or employees for the prompt and faithful discharge of the business of the court than the number expressly provided in this article or requires the performance of duties of positions in a class not expressly provided in this article, a majority of the judges of any of the courts, with the approval of the board of supervisors, may establish additional titles, pay rates, and positions as they deem necessary for the performance of the duties and exercise of the powers conferred by law upon the courts. Rates of compensation of all officers, attachés, and employees may be adjusted by joint action and approval of the board of supervisors and a majority of the municipal court judges of Orange County. The establishment of additional titles, positions, and pay rates and changes in compensation made pursuant to this subdivision shall be on an interim basis and shall expire 90 days after adjournment of the next regular session of the Legislature. The provisions of this section are directory only and are not mandatory and are not intended to affect the application of Section 72150.

SEC. 3. Section 74005 of the Government Code is amended to read:

74005. The schedule of biweekly salary ranges referred to in Section 74002, 74003, and 74004 is as follows:

Range number	Biweekly Rates Step								
	1	2	3	4	5	6	7	8	9
9-----	126.40	129.60	133.60	136.80	140.00	144.00	147.20	151.20	156.00
10-----	129.60	133.60	136.80	140.00	144.00	147.20	151.20	156.00	160.00
11-----	133.60	136.80	140.00	144.00	147.20	151.20	156.00	160.00	164.00
12-----	136.80	140.00	144.00	147.20	151.20	156.00	160.00	164.00	168.80
13-----	140.00	144.00	147.20	151.20	156.00	160.00	164.00	168.80	173.60
14-----	144.00	147.20	151.20	156.00	160.00	164.00	168.80	173.60	177.60
15-----	147.20	151.20	156.00	160.00	164.00	168.80	173.60	177.60	182.40
16-----	151.20	156.00	160.00	164.00	168.80	173.60	177.60	182.40	187.20
17-----	156.00	160.00	164.00	168.80	173.60	177.60	182.40	187.20	192.80
18-----	160.00	164.00	168.80	173.60	177.60	182.40	187.20	192.80	197.60
19-----	164.00	168.80	173.60	177.60	182.40	187.20	192.80	197.60	203.20
20-----	168.80	173.60	177.60	182.40	187.20	192.80	197.60	203.20	208.80
21-----	173.60	177.60	182.40	187.20	192.80	197.60	203.20	208.80	214.40
22-----	177.60	182.40	187.20	192.80	197.60	203.20	208.80	214.40	220.00
23-----	182.40	187.20	192.80	197.60	203.20	208.80	214.40	220.00	225.60
24-----	187.20	192.80	197.60	203.20	208.80	214.40	220.00	225.60	232.00
25-----	192.80	197.60	203.20	208.80	214.40	220.00	225.60	232.00	238.40
26-----	197.60	203.20	208.80	214.40	220.00	225.60	232.00	238.40	244.80
27-----	203.20	208.80	214.40	220.00	225.60	232.00	238.40	244.80	251.20
28-----	208.80	214.40	220.00	225.60	232.00	238.40	244.80	251.20	258.40
29-----	214.40	220.00	225.60	232.00	238.40	244.80	251.20	258.40	265.60
30-----	220.00	225.60	232.00	238.40	244.80	251.20	258.40	265.60	272.80
31-----	225.60	232.00	238.40	244.80	251.20	258.40	265.60	272.80	280.80

Range number	Step								
	1	2	3	4	5	6	7	8	9
32-----	232.00	238.40	244.80	251.20	258.40	265.60	272.80	280.80	288.00
33-----	238.40	244.80	251.20	258.40	265.60	272.80	280.80	288.00	296.00
34-----	244.80	251.20	258.40	265.60	272.80	280.80	288.00	296.00	304.00
35-----	251.20	258.40	265.60	272.80	280.80	288.00	296.00	304.00	312.80
36-----	258.40	265.60	272.80	280.80	288.00	296.00	304.00	312.80	321.60
37-----	265.60	272.80	280.80	288.00	296.00	304.00	312.80	321.60	329.60
38-----	272.80	280.80	288.00	296.00	304.00	312.80	321.60	329.60	339.20
39-----	280.80	288.00	296.00	304.00	312.80	321.60	329.60	339.20	348.80
40-----	288.00	296.00	304.00	312.80	321.60	329.60	339.20	348.80	358.40
41-----	296.00	304.00	312.80	321.60	329.60	339.20	348.80	358.40	368.00
42-----	304.00	312.80	321.60	329.60	339.20	348.80	358.40	368.00	377.60
43-----	312.80	321.60	329.60	339.20	348.80	358.40	368.00	377.60	388.80
44-----	321.60	329.60	339.20	348.80	358.40	368.00	377.60	388.80	399.20
45-----	329.60	339.20	348.80	358.40	368.00	377.60	388.80	399.20	410.40
46-----	339.20	348.80	358.40	368.00	377.60	388.80	399.20	410.40	421.60
47-----	348.80	358.40	368.00	377.60	388.80	399.20	410.40	421.60	433.60
48-----	358.40	368.00	377.60	388.80	399.20	410.40	421.60	433.60	445.60
49-----	368.00	377.60	388.80	399.20	410.40	421.60	433.60	445.60	457.60
50-----	377.60	388.80	399.20	410.40	421.60	433.60	445.60	457.60	470.40
51-----	388.80	399.20	410.40	421.60	433.60	445.60	457.60	470.40	484.00
52-----	399.20	410.40	421.60	433.60	445.60	457.60	470.40	484.00	496.80
53-----	410.40	421.60	433.60	445.60	457.60	470.40	484.00	496.80	511.20
54-----	421.60	433.60	445.60	457.60	470.40	484.00	496.80	511.20	525.60
55-----	433.60	445.60	457.60	470.40	484.00	496.80	511.20	525.60	540.00

Range number	Step								
	1	2	3	4	5	6	7	8	9
56-----	445.60	457.60	470.40	484.00	496.80	511.20	525.60	540.00	555.20
57-----	457.60	470.40	484.00	496.80	511.20	525.60	540.00	555.20	570.40
58-----	470.40	484.00	496.80	511.20	525.60	540.00	555.20	570.40	586.40
59-----	484.00	496.80	511.20	525.60	540.00	555.20	570.40	586.40	602.40
60-----	496.80	511.20	525.60	540.00	555.20	570.40	586.40	602.40	620.00
61-----	511.20	525.60	540.00	555.20	570.40	586.40	602.40	620.00	636.80
62-----	525.60	540.00	555.20	570.40	586.40	602.40	620.00	636.80	655.20
63-----	540.00	555.20	570.40	586.40	602.40	620.00	636.80	655.20	672.80
64-----	555.20	570.40	586.40	602.40	620.00	636.80	655.20	672.80	692.00
65-----	570.40	586.40	602.40	620.00	636.80	655.20	672.80	692.00	710.40
66-----	586.40	602.40	620.00	636.80	655.20	672.80	692.00	710.40	730.40
67-----	602.40	620.00	636.80	655.20	672.80	692.00	710.40	730.40	751.20
68-----	620.00	636.80	655.20	672.80	692.00	710.40	730.40	751.20	772.00
69-----	636.80	655.20	672.80	692.00	710.40	730.40	751.20	772.00	793.60
70-----	655.20	672.80	692.00	710.40	730.40	751.20	772.00	793.60	815.20
71-----	672.80	692.00	710.40	730.40	751.20	772.00	793.60	815.20	838.40
72-----	692.00	710.40	730.40	751.20	772.00	793.60	815.20	838.40	861.60
73-----	710.40	730.40	751.20	772.00	793.60	815.20	838.40	861.60	885.60
74-----	730.40	751.20	772.00	793.60	815.20	838.40	861.60	885.60	910.40
75-----	751.20	772.00	793.60	815.20	838.40	861.60	885.60	910.40	935.20
76-----	772.00	793.60	815.20	838.40	861.60	885.60	910.40	935.20	961.60
77-----	793.60	815.20	838.40	861.60	885.60	910.40	935.20	961.60	988.80
78-----	815.20	838.40	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00
79-----	838.40	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80

Range number	Step								
	1	2	3	4	5	6	7	8	9
80-----	861.60	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60
81-----	885.60	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20
82-----	910.40	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80
83-----	935.20	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60
84-----	961.60	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00
85-----	988.80	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80
86-----	1,016.00	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40
87-----	1,044.80	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00
88-----	1,073.60	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20
89-----	1,103.20	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20
90-----	1,132.80	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80
91-----	1,165.60	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40
92-----	1,196.00	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60
93-----	1,228.80	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60
94-----	1,262.40	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00
95-----	1,296.00	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60
96-----	1,331.20	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60
97-----	1,367.20	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60
98-----	1,404.80	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00
99-----	1,442.40	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40
100-----	1,481.60	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40	1,836.00
101-----	1,521.60	1,564.00	1,605.60	1,649.60	1,693.60	1,740.00	1,786.40	1,836.00	1,884.80

Notwithstanding any other provisions of law, the salaries of municipal court officers, attachés, and employees may upon the joint approval of the personnel committee and the board of supervisors be increased or decreased within the limits set forth in this section in order to provide compensation that is comparable to county employees of similar qualifications and experience holding equal or comparable positions in the Orange County classified service as the comparability is determined jointly by the personnel committee and the board of supervisors.

SEC. 4. Section 74007 is added to the Government Code, to read:

74007. Notwithstanding any other provision of law, a person appointed as a deputy marshal shall be eligible for safety membership in the county retirement system even though such person is over the age of 35 years when first appointed as a deputy marshal, if, immediately preceding such appointment as deputy marshal, the person was employed by the same municipal court in a position, regardless of the title of such position, the duties of which regularly included those of a matron of transportation involving the physical custody or care of arrested females or juvenile witnesses and such person was under the age of 35 years at the time of appointment to such position.

CHAPTER 824

An act to amend Sections 4161, 4166, and 10750 of, and to repeal Sections 4162, 4164, and 4165 of, the Vehicle Code, relating to vehicles.

[Approved by Governor September 2, 1970. Filed with Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4161 of the Vehicle Code is amended to read:

4161. (a) Whenever a motor vehicle engine or motor is installed, except temporarily, in a motor vehicle which is identified on the ownership and registration certificates by motor or engine number and subject to registration under this code, the owner of the motor vehicle shall, within 10 days thereafter, give notice to the department upon a form furnished by it containing a description of the motor vehicle engine or motor installed, including any identifying number thereon and the date of the installation. The owner of the motor vehicle shall also submit to the department with the notice the certificate of ownership and registration card covering the motor vehicle in which the motor vehicle engine or motor is installed and evidence of ownership covering the new or used motor vehicle engine or motor installed and such other documents as may be required by the department.

(b) Upon receipt of motor vehicle engine or motor change notification and other required documents, the department shall assign a distinguishing vehicle identification number to the vehicle. When the distinguishing vehicle identification number is placed on the vehicle as authorized, the vehicle shall thereafter be identified by the distinguishing identification number assigned.

SEC. 2. Section 4162 of the Vehicle Code is repealed.

SEC. 3. Section 4164 of the Vehicle Code is repealed.

SEC. 4. Section 4165 of the Vehicle Code is repealed.

SEC. 5. Section 4166 of the Vehicle Code is amended to read:

4166. The department may assign a distinguishing vehicle identification number to a motor vehicle whenever the motor or other identifying number thereon is removed, destroyed or obliterated, and any motor vehicle to which a distinguishing vehicle identification number is assigned as authorized herein shall be registered under the number so assigned when registration of the motor vehicle is required under this code.

SEC. 6. Section 10750 of the Vehicle Code is amended to read:

10750. (a) No person shall intentionally deface, destroy, or alter the motor number, other distinguishing number, or identification mark of a vehicle required or employed for registration purposes without written authorization from the department, nor shall any person place or stamp any serial, motor, or other number or mark upon a vehicle, except one assigned thereto by the department.

(b) This section does not prohibit the restoration by an owner of the original vehicle identification number when the restoration is authorized by the department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new motor vehicles or new parts thereof.

CHAPTER 825

An act to add Article 4 (commencing with Section 40571) to Chapter 1 of Division 16 of the Agricultural Code, relating to a Shipping Point Advisory Committee.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 40571) is added to Chapter 1, Division 16 of the Agricultural Code, to read:

Article 4. Shipping Point Advisory Committee

40571. There is in the department a Shipping Point Advisory Committee consisting of nine members. The committee

shall be appointed by the director and shall be composed of shippers of fruits and vegetables using inspection and certification services of the department. Members of the committee shall receive no salary.

40572. The term of office of the members of the committee is three years. Appointment of the first members shall be made so that the terms of office of three members shall expire at the end of one year and three at the end of two years and three at the end of three years. Thereafter appointment shall be for full three-year terms. Vacancies shall be filled for an unexpired term.

40573. The committee shall be advisory to the director on all matters pertaining to this chapter and shall make recommendations concerning the inspection and certification services rendered, including the annual budget and fees necessary to provide adequate inspection and certification services.

CHAPTER 826

An act to amend Section 6404 of the Revenue and Taxation Code, relating to sales and use taxes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6404 of the Revenue and Taxation Code is amended to read:

6404. (a) The loan by any retailer of any tangible personal property to any school district for an educational program conducted by the district is exempt from the use tax.

(b) The loan by any retailer of any motor vehicle to the California State Colleges or the University of California for the exclusive use in an approved driver education teacher preparation certification program conducted by the state college or university is exempt from the use tax.

(c) The loan by any retailer of a motor vehicle to be used exclusively for driver training in an accredited private or parochial secondary school in a driver education and training program approved by the State Department of Education as a regularly conducted course of study is exempt from the use tax.

(d) The loan by any retailer of any motor vehicle to a veterans hospital or such other nonprofit facility or institution to provide instruction in the operation of specially equipped motor vehicles to disabled veterans is exempt from the use tax.

(e) If the retailer makes any other use of the property except retention, demonstration or display while holding it for sale in the regular course of business, the use is taxable to the

retailer under Chapter 3 (commencing with Section 6201) of this part as of the time the property is first so used, and the sales price of the property to the retailer is the measure of the tax.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for the exemption to be effective for the 1970-1971 school year, it is necessary for this act to take effect immediately.

SEC. 3. Section 1 of this act shall be operative on and after September 1, 1970.

CHAPTER 827

An act to amend Section 21461 of, and to add Section 21461.5 to, the Vehicle Code, relating to pedestrians.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21461 of the Vehicle Code is amended to read:

21461. It shall be unlawful for any driver of a vehicle to fail to obey any sign or signal erected or maintained to indicate and carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352.

SEC. 2. Section 21461.5 is added to the Vehicle Code, to read:

21461.5. It shall be unlawful for any pedestrian to fail to obey any sign or signal erected or maintained to indicate or carry out the provisions of this code or any local traffic ordinance or resolution adopted pursuant to a local traffic ordinance, or to fail to obey any device erected or maintained pursuant to Section 21352.

CHAPTER 828

An act to amend Section 11505 of the Government Code, relating to administrative proceedings.

[Approved by Governor September 2, 1970 Filed with
Secretary of State September 2, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11505 of the Government Code is amended to read:

11505. (a) Upon the filing of the accusation the agency shall serve a copy thereof on the respondent as provided in subdivision (c). The agency may include with the accusation any information which it deems appropriate, but it shall include a post card or other form entitled Notice of Defense which, when signed by or on behalf of the respondent and returned to the agency, will acknowledge service of the accusation and constitute a notice of defense under Section 11506. The copy of the accusation shall include or be accompanied by (1) a statement that respondent may request a hearing by filing a notice of defense as provided in Section 11506 within 15 days after service upon him of the accusation, and that failure to do so will constitute a waiver of his right to a hearing, and (2) copies of Sections 11507.5, 11507.6, and 11507.7.

(b) The statement to respondent shall be substantially in the following form:

Unless a written request for a hearing signed by or on behalf of the person named as respondent in the accompanying accusation is delivered or mailed to the agency within 15 days after the accusation was personally served on you or mailed to you, (here insert name of agency) may proceed upon the accusation without a hearing. The request for a hearing may be made by delivering or mailing the enclosed form entitled Notice of Defense, or by delivering or mailing a notice of defense as provided by Section 11506 of the Government Code to: (here insert name and address of agency). You may, but need not, be represented by counsel at any or all stages of these proceedings.

If you desire the names and addresses of witnesses or an opportunity to inspect and copy the items mentioned in Section 11507.6 in the possession, custody or control of the agency, you may contact: (here insert name and address of appropriate person).

(c) The accusation and all accompanying information may be sent to respondent by any means selected by the agency. But no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent shall have been served personally or by registered mail as provided herein, or shall have filed a notice of defense or otherwise appeared. Service may be proved in the manner authorized in civil actions. Service by registered mail shall be effective if a statute or agency rule requires respondent to file his address with the agency and to notify the agency of any change, and if a registered letter containing the accusation and accompanying material is mailed, addressed to respondent at the latest address on file with the agency.

CHAPTER 829

*An act to amend Section 142 of the Penal Code,
relating to arrest and custody.*

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 142 of the Penal Code is amended to read:

142. Any peace officer who has the authority to receive or arrest a person charged with a criminal offense and willfully refuses to receive or arrest such person shall be punished by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment.

CHAPTER 830

*An act to maintain the Penal Code by amending Section
2690, relating to crimes and punishment.*

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2690 of the Penal Code is amended to read:

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution, or for participating in community action activities directed toward delinquency prevention and community betterment programs. Such removal shall not be for a period longer than one day.

Under specific regulations established by the director for the selection of inmates, the director may also authorize temporary removal or temporary release of any inmate for the purpose of furnishing to the inmate medical treatment not available at the prison or institution, for purposes preparatory to a return to the community within 90 days of his release date or for purposes of disaster aid, including local mutual aid and state emergencies. When an inmate is temporarily removed or temporarily released for a purpose preparatory to return to the community, the director may require the inmate

to reimburse the state, in whole or part, for expenses incurred by the state in connection therewith.

SEC. 2. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals the section amended by this act, shall prevail over this act.

CHAPTER 831

An act to amend Sections 35106 and 35550 of the Vehicle Code, relating to motor coaches and buses.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 35106 of the Vehicle Code is amended to read:

35106. (a) Motor coaches or buses may have a maximum width not exceeding 102 inches.

(b) Notwithstanding the provisions of subdivision (a), motor coaches or buses operated under the jurisdiction of the Public Utilities Commission in urban or suburban service may have a maximum outside width not exceeding 104 inches, when approved by order of the Public Utilities Commission for use on routes designated by it. Motor coaches or buses operated by common carriers of passengers for hire in urban or suburban service and not under the jurisdiction of the Public Utilities Commission may have a maximum outside width not exceeding 104 inches.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-Aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes.

SEC. 2. Section 35550 of the Vehicle Code is amended to read:

35550. (a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 18,000 pounds and the gross weight upon any one wheel, or wheels, supporting one end of an axle, and resting upon the roadway, shall not exceed 9,500 pounds.

(b) The gross weight limit provided for weight bearing upon any one wheel, or wheels, supporting one end of an axle shall not apply to vehicles the loads of which consist of livestock.

(c) The gross weight on the rear axle only of a bus shall not exceed 20,500 pounds.

This subdivision shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 832

An act to amend Section 263.6 of the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 263.6 of the Streets and Highways Code is amended to read:

263.6. The state scenic highway system shall also include:

Route 101 from:

(a) Route 1 near El Rio to Route 46 near Paso Robles.

(b) Route 156 near Prunedale northeasterly to Route 156.

(c) A point in Marin County opposite San Francisco to Route 1 near Marin City.

(d) Route 37 near Ignacio to Route 37 near Novato.

(e) Route 20 near Calpella to Route 20 near Willits.

(f) Route 208 near Leggett to Route 199 near Crescent City.

(g) Route 197 near Fort Dick to the Oregon state line.

Route 108 from Route 49 near Sonora to Route 395.

Route 111 from:

(a) Bombay Beach in Salton Sea State Park to Route 195 near Mecca.

(b) Route 74 near Palm Desert to Route 10 near White Water.

Route 118 from Route 23 to DeSoto Avenue near Browns Canyon.

Route 120 from:

(a) Route 49 near Chinese Camp to Route 49 near Moccasin Creek.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 121 from:

(a) Route 37 near Sears Point to Route 12 near Sonoma.

(b) Route 29 near Napa State Hospital to Route 221 near Napa.

Route 125 from Route 94 near Spring Valley to Route 8 near La Mesa.

Route 126 from Route 150 near Santa Paula to Route 5 near Castaic.

CHAPTER 833

An act to amend Sections 1 and 2 of Chapter 1672 of the Statutes of 1967, relating to recreation and fish and wildlife enhancement associated with state water projects.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1672 of the Statutes of 1967 is amended to read:

Section 1. The Legislature, pursuant to Section 11912 of the Water Code, approves the allocation by the Department of Water Resources of twenty million four hundred seventy-eight thousand four hundred twenty-one dollars (\$20,478,421) to recreation and fish and wildlife enhancement as nonreimbursable joint costs of the State Water Project, as reported in Bulletin No. 132-70, Appendix D, "Costs of Recreation and Fish and Wildlife Enhancement," dated March 1970, in accordance with the following schedule:

Schedule:

(a) For Frenchman Dam and Lake-----	\$1,599,590
(b) For Antelope Dam and Lake-----	\$5,029,110
(c) For Grizzly Valley Dam and Lake Davis--	\$4,799,781
(d) California Aqueduct, Delta to Dos Amigos Pumping Plant -----	\$ 9,049,940
Total of schedule -----	\$20,478,421

SEC. 2. Section 2 of Chapter 1672 of the Statutes of 1967 is amended to read:

Sec. 2. The Legislature, pursuant to Section 11912 of the Water Code, approves the expenditures of five million seventy-three thousand three hundred nineteen dollars (\$5,073,319) for separate specific recreation land costs of the State Water Project as revised by the Department of Water Resources in said Bulletin No. 132-70, Appendix D, in association with the following facilities and in accordance with the following schedule:

Schedule:

(a) Frenchman Dam and Lake-----	\$ 41,360
(b) Grizzly Valley Dam and Lake Davis----	\$ 204,739
(c) Oroville Dam and Lake Oroville-----	\$1,994,272
(d) Thermalito Facilities -----	\$ 165,700
(e) California Aqueduct -----	\$ 978,042
(f) San Luis Dam and Reservoir and O'Neill Forebay -----	\$ 105,142
(g) Del Valle Dam and Lake Del Valle-----	\$ 471,016
(h) Castaic Dam and Lake -----	\$ 832,596
(i) Cedar Springs Dam and Silverwood Lake	\$ 280,452
Total of Schedule -----	\$5,073,319

CHAPTER 834

An act to add Section 19057.1 to the Government Code, relating to civil service appointments.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19057.1 is added to the Government Code, to read:

19057.1. Notwithstanding the provisions of Section 19057, for positions in classes designated by the board as professional, scientific, administrative, management or executive, there shall be certified to the appointing power the names and addresses of all those eligibles whose scores, at time of certification, represent the three highest ranks on the employment list for the class, and who have indicated their willingness to accept appointment under the conditions of employment specified.

For purposes of ranking, scores of eligibles on employment lists for such classes shall be rounded to the nearest whole percent. A rank shall consist of one or more eligibles with the same whole percentage score.

If the names on the list from which certification is being made represent fewer than three ranks, then additional eligibles shall be certified from the various lists next lower in order of preference until names from three ranks appear. If there are fewer than three names available for certification, and the appointing authority does not choose to appoint from among these, he may demand certification of three names. In such case, examinations shall be conducted until at least three names may be certified by the procedure described in this section, and the appointing authority shall fill the position by appointment of one of the persons certified.

In accordance with board rule, fractional examination scores shall be provided to the appointing power upon his request.

SEC. 2. The amendments made by this act shall be applicable to names certified from employment lists after the date of this act even though the examination was given prior thereto.

CHAPTER 835*An act to add Chapter 10 (commencing with Section 175) to Division 1 of the Probate Code, relating to trusts of life insurance proceeds.*

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 175) is added to Division 1 of the Probate Code, to read:

CHAPTER 10. LIFE INSURANCE AND OTHER TRUSTS

175. An insurance, annuity, or endowment contract (including any agreement issued or entered into by the insurer in connection therewith, supplemental thereto or in settlement thereof), a pension, retirement benefit, death benefit, stock bonus, profit-sharing or employees' saving plan, or contract created or entered into by an employer for the benefit of some or all of his employees, and a trust, security or account established or held pursuant to the Self Employed Individuals' Tax Retirement Act of 1962 (Pub. L. 87-792) may designate as a primary or contingent beneficiary, payee, or owner a trustee named or to be named in the will of the person entitled to designate such beneficiary, payee, or owner. The designation shall be made in accordance with the provisions of the contract or plan or in the absence of such provisions, in a manner approved by the insurer if an insurance, annuity, or endowment contract is involved, and by the trustee, custodian, or person or entity administering the contract or plan, if any. The designation may be made before or after the execution of the designator's will and shall not be required to comply with the formalities for execution of a will.

176. The designation shall be ineffective unless the designator's will contains provisions creating the trust or makes a disposition valid under Section 170.

177. Subject to the provisions of Section 179, the benefits or rights resulting from such designation shall be payable or transferable directly to the trustee, without becoming subject to administration, upon or at any time after admission of the designator's will to probate. A designation pursuant to this chapter shall not be deemed to have the effect of naming a trustee of a separate inter vivos trust but the rights and benefits or the proceeds thereof when paid to such trustee shall be, or become a part of, the testamentary trust or trusts established pursuant to the designator's will or shall be added to an inter vivos trust or trusts if the disposition is governed by Section 170.

178. Except as otherwise provided in the designator's will, the rights and benefits and their proceeds paid or transferred to the trustee shall not be subject to the debts of the designator to any greater extent than if they were paid or transferred to a named beneficiary, payee, or owner other than the estate of the designator.

179. The court in which proceedings are pending for administration of the estate of the decedent shall have jurisdiction, before or after payment or transfer of benefits and rights or their proceeds to the trustee, to:

- (a) Determine the validity of the trust.
- (b) Determine the terms of such trust.
- (c) Fill vacancies in the office of trustee.
- (d) Require an undertaking of a trustee or successor trustee in its discretion and in such amount as it may deter-

mine for the faithful performance of duties as trustee, subject to the provisions of Article 3 (commencing with Section 1540) of Chapter 12, Division 1 of the Financial Code and Section 1127.5.

(e) Grant additional powers to the trustee, as provided in Section 1120.2.

(f) Instruct the trustee.

(g) Determine, fix or allow payment of compensation of a trustee as provided in Section 1122.

(h) Hear and determine adverse claims to the subject of the trust by the personal representative, surviving spouse, or other third person.

(i) Determine the identity of the trustee and his acceptance or rejection of the office, and upon request, furnish evidence of trusteeship to a trustee.

(j) Order postponement of the payment or transfer of the benefits and rights or their proceeds.

(k) Make any order incident to the foregoing or to the accomplishment of the purposes of this chapter.

The personal representative of the designator's estate, any trustee named in the will or designation or successor to such trustee, or any person interested in such estate or trust may petition the court to exercise the jurisdiction provided in this section. Notice of hearing of the petition shall be given in the manner provided in Section 1120, except as the court may otherwise order.

180. As to matters not specifically provided in Section 179, the provisions of Chapter 19 (commencing with Section 1120) of Division 3 shall apply to the trust.

181. An appeal may be taken from any order described in Section 1240 made pursuant to this chapter and, in addition, from an order making or refusing to make a determination specified in subdivision (a), (b), or (h) of Section 179.

182. If no qualified trustee makes claim to the benefits or rights or proceeds within one year after the death of the designator, or if satisfactory evidence is furnished within such one-year period showing that no trustee can qualify to receive them, payment or transfer may be made, unless the designator has otherwise provided, by the obligor to the personal representative of the designator or to those thereafter entitled, and the obligor shall be discharged from liability.

183. The proceeds of an insurance policy, as defined in Article 6 (commencing with Section 13721), Chapter 4, Part 8, Division 2 of the Revenue and Taxation Code, when collected by a trustee acting pursuant to this chapter shall not be subject to inheritance tax to any greater extent than if such proceeds were the proceeds of an insurance policy payable to the beneficiaries of the trust as named beneficiaries of the policy.

184. Enactment of this chapter shall not invalidate trusts, otherwise valid, not made pursuant to the provisions of this chapter or affect the construction of inheritance tax laws in relation to such trusts.

CHAPTER 836

An act to add Section 9654 to the Revenue and Taxation Code, relating to the Motor Vehicle Transportation License Tax Law.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9654 is added to the Revenue and Taxation Code, to read:

9654. The tax imposed by this part does not apply to charges by an operator for transporting himself, his employees, tools, or equipment in a motor vehicle when such transportation is incidental to the performance of a contract for the improvement of realty or incidental to a contract for the repair or maintenance of property.

CHAPTER 837

An act to amend Section 20042 and 31840.2 of the Government Code, and to amend Section 30404 of the Public Utilities Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20042 of the Government Code is amended to read:

20042. The provisions of this part extending rights to a member of this system, or subjecting him to any limitation by reason of his membership in a retirement system established under the County Employees' Retirement Law of 1937, shall apply in like manner and under like conditions to a member of this system by reason of his membership in any retirement system established under Chapter 2 (commencing with Section 45300) of Division 5, Title 4 with respect to which an ordinance complying with Section 45310.5 of this code has been filed with and accepted by the board or by reason of his membership in a retirement system established by or pursuant to the charter of a city or city and county or by any other public agency of this state which system, in the opinion of the board, provides a similar modification of rights and benefits because

of membership in this system and with respect to which the governing body of such city, city and county or public agency and the board have entered into agreement pursuant to this section. An agreement under this section shall provide that the governing body shall modify its retirement system to conform to any amendments to this part affecting a member's right because of membership in a retirement system established under the County Employees' Retirement Law of 1937, and may contain such other provisions consistent with this section as the board deems appropriate. This section shall apply only to a member whose termination and entry into employment resulting in a change in membership from this system to such other system or from such other system to this system occurred after such acceptance by the board or after the effective date specified in the agreement; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termination and entry into employment occurred after such acceptance or determination by the board.

SEC. 2. Section 31840.2 of the Government Code is amended to read:

31840.2. The provisions of this article extending rights to a member of a county retirement system established under this chapter or subjecting him to any limitation by reason of his membership in the Public Employees' Retirement System shall apply in like manner and under like conditions to a member by reason of his membership in any retirement system established under Chapter 2 (commencing with Section 45300) of Division 5 of Title 4 with respect to which an ordinance complying with Section 45310.5 has been filed with and accepted by the board or by reason of his membership in a retirement system established by or pursuant to the charter of a city or city and county or by any other public agency of this state which system, in the opinion of the board, provides a similar modification of rights and benefits because of membership in a system established under this chapter and with respect to which the governing body of such city, city and county or public agency and the board have entered into agreement pursuant to Section 20042. This section shall apply only to a member whose termination and subsequent reentry into employment resulting in a change in membership from a system established under this chapter to such other system or from such other system to a system established under this chapter occurred after such acceptance or determination by the board; provided, however, that provisions relating to computation of final compensation shall apply to any other member if such provision would have applied had the termination and entry into employment occurred after such acceptance or determination by the board.

SEC. 3. Section 30404 of the Public Utilities Code is amended to read:

30404. As an alternative method of providing a retirement system the board may contract with the Board of Administration of the Public Employees' Retirement System and enter all or any portion of its employees under such system pursuant to law and under the terms and conditions of such contract, or may contract with the Board of Administration of the Public Employees' Retirement System for reciprocal benefits between the Public Employees' System, or a city, or city and county, or any other public agency contracting with the Public Employees' Retirement System and the district's retirement system as authorized by Section 20042 of the Government Code, and may perform all acts necessary or convenient to provide for such reciprocal benefits.

CHAPTER 838

An act to amend Section 225p of the Civil Code, relating to adoption.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 225p of the Civil Code is amended to read:

225p. Whenever a petition is filed for the adoption of a child who has been placed for adoption by a licensed county adoption agency or the State Department of Social Welfare, the county adoption agency or the State Department of Social Welfare may, at the time of filing a favorable report in the superior court, require the persons petitioning to become the adoptive parents to pay to the county agency, as agent of the state or the State Department of Social Welfare, a fee of five hundred dollars (\$500). The county adoption agency or the State Department of Social Welfare may defer, waive or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, or if necessary for the placement of a hard-to-place child. A "hard-to-place" child is a child who because of his age, ethnic background, race, color, language, or physical, mental, emotional or medical handicaps has become difficult to place in an adoptive home.

Nothing in this section shall be construed to require the payment of such fee to a county in the case of an adoption resulting from the independent placement of a child.

CHAPTER 839

An act to amend Sections 15502 and 15525.5 of the Corporations Code, relating to limited partnerships.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 15502 of the Corporations Code is amended to read:

15502. (1) Two or more persons desiring to form a limited partnership shall

(a) Sign and acknowledge a certificate, which shall state

I. The name of the partnership,

II. The character of the business,

III. The location of the principal place of business,

IV. The name and place of residence of each member; general and limited partners being respectively designated,

V. The term for which the partnership is to exist.

VI. The amount of cash and a description of and the agreed value of the other property contributed by each limited partner,

VII. The additional contributions, if any, agreed to be made by each limited partner and the times at which or events on the happening of which they shall be made,

VIII. The time, if agreed upon, when the contribution of each limited partner is to be returned,

IX. The share of the profits or the other compensation by way of income which each limited partner shall receive by reason of his contribution,

X. The right, if given, of a limited partner to substitute an assignee as contributor in his place, and the terms and conditions of the substitution,

XI. The right, if given, of the partners to admit additional limited partners,

XII. The right, if given, of one or more of the limited partners to priority over other limited partners, as to contributions or as to compensation by way of income, and the nature of such priority,

XIII. The right, if given, of the remaining general partner or partners to continue the business on the death, retirement, or insanity of a general partner,

XIV. The right, if given, of a limited partner to demand and receive property other than cash in return for his contribution, and

XV. The right, if given, of a limited partner to vote upon any of the matters described in subdivision (b) of Section 15507, and the vote required for election or removal of general partners, or to cause other action to be effective as to the limited partnership.

The signing of such certificate by a limited partner may be in person or for him by an attorney in fact, who may but need not be a member of the partnership, who shall acknowledge such signature as such attorney in fact. Proof of a personal signature of a limited partner, if not acknowledged, may be made by a subscribing witness as provided by law.

(b) Record said certificate in the office of the recorder of the county in which the principal place of business of the partnership is situated.

(2) A limited partnership is formed if there has been substantial compliance in good faith with the requirements of paragraph one.

(3) If the partnership has places of business situated in, or holds title to real property in, different counties, it shall cause either such recorded certificate, or a copy of such recorded certificate, certified by the recorder in whose office it is recorded, to be recorded in the office of the recorder of each such different county.

(4) Recording of the certificate in accordance with (1) (b) above or recording of the recorded certificate or a copy thereof in accordance with (3) above, provided the recorded certificate or a recorded copy thereof appears valid on its face, shall create, in favor of bona fide purchasers or encumbrancers for value, a conclusive presumption that such limited partnership was validly formed and in addition shall create the same conclusive presumptions as provided in Section 15010.5 of this code; any other person claiming to be a partner who has been omitted from any such certificate shall have the right to record a corrective statement as provided in said Section 15010.5.

SEC. 2. Section 15525.5 of the Corporations Code is amended to read:

15525.5. Notwithstanding the provisions of paragraph (b) of subdivision (1) of Section 15525, if the partnership certificate permits, the writing to amend the certificate may be signed by a general partner and by the member to be substituted or added in the case of an amendment substituting a limited partner or adding a limited or general partner and shall be signed also by the assigning limited partner when a limited partner is to be substituted, and if the amendment reflects the retirement, death or insanity of a general partner, and the business is continued under Section 15520, the amendment may be signed by any general partner.

CHAPTER 840

An act to amend Section 15518 of the Education Code, relating to school buildings.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15518 of the Education Code is amended to read:

15518. The governing board of a school district may undertake corrective measures relating to earthquake safety recommended to the governing board pursuant to Section 15503 in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by Section 15505.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to have any school buildings examined as required by Section 15503 and to effect the corrective structural repairs, reconstruction or replacement relating to earthquake safety recommended pursuant to Section 15503, as shown by the budget of the district for such school year as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from revenue from the increase in the rate of tax provided by this section. The funds provided by such increase in the tax rate may be used for the lease of temporary portable buildings for the housing of pupils temporarily displaced by the repair, reconstruction, or replacement of school buildings required in order to meet earthquake safety standards.

The increase provided by this section and Section 15517 shall not exceed a total increase of ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of property within the district in each fiscal year.

If at the end of any school year, there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance may be accumulated until the date specified in this section for the termination of its effect and shall be used exclusively for expenditures of the school district for purposes of this section.

This section shall remain in effect only until July 1, 1975, and thereafter shall be of no force or effect. This section shall remain in effect until such date regardless of the repeal or expiration of Section 15517.

Notwithstanding the provisions of this section, the governing board shall comply with the provisions of Section 15505 whenever such compliance is necessary to continue the program of corrective structural repairs, reconstruction, or replacement required pursuant to the provisions of this article.

CHAPTER 841

An act to add Section 28051.5 to the Vehicle Code, relating to odometers.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 28051.5 is added to the Vehicle Code, to read:

28051.5. It is unlawful for any person to advertise for sale, to sell, or to use, any device designed primarily for the purpose of turning back or resetting the odometer of any motor vehicle to reduce the number of miles indicated on the odometer gauge.

CHAPTER 842

An act to repeal Section 2 of Chapter 1011 of the Statutes of 1969, relating to minors.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2 of Chapter 1011 of the Statutes of 1969 is repealed.

CHAPTER 843

An act to add Section 1714.3 to the Civil Code, relating to parent and child.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1714.3 is added to the Civil Code, to read:

1714.3. Civil liability for any injury to the person or property of another proximately caused by the discharge of a firearm by a minor under the age of 15 years shall be imputed to a parent or guardian having custody or control of the minor for all purposes of civil damages, and such parent or guardian shall be jointly and severally liable with such minor for any damages resulting from such act, if such parent or guardian either permitted the minor to have the firearm or left the firearm in a place accessible to the minor.

The liability imposed by this section is in addition to any liability now imposed by law. However, no person, or group of persons collectively, shall incur liability under this section in

any amount exceeding fifteen thousand dollars (\$15,000) for injury to or death of one person as a result of any one occurrence or, subject to the limit as to one person, exceeding thirty thousand dollars (\$30,000) for injury to or death of all persons as a result of any one such occurrence.

CHAPTER 844

An act to add Section 19161 to the Business and Professions Code, relating to mattresses.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 19161 is added to the Business and Professions Code, to read:

19161. One year after adoption of standards by the Bureau of Furniture and Bedding Inspection, but not later than January 1, 1973, all mattresses sold or offered for sale in this state shall be made from flame-retardant material. "Flame-retardant," as used in this section means a product that meets the standards adopted by the Bureau of Furniture and Bedding Inspection.

This section is applicable, but is not limited in its application, to any mattress sold or offered for sale for use in a hotel, motel, or other place of public accommodation.

CHAPTER 845

An act to add Section 5150.5 to the Elections Code, relating to elections.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 5150.5 is added to the Elections Code, to read:

5150.5. For the purposes of initiative and referendum under this chapter, "district" includes any regional agency which has the power to tax, to regulate land use, or to condemn and purchase land.

CHAPTER 846

An act to amend Section 40309.5 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 40309.5 of the Vehicle Code is amended to read:

40309.5. Every written notice of a violation of an ordinance of a city or county relating to parking offenses shall be accompanied by a written notice of the bail due for that violation and the address of the person authorized to receive a deposit of bail, to whom payments thereof may be sent, and a statement in bold print that payments of the bail for such parking offenses may be sent through the mail.

CHAPTER 847

An act to amend Section 31752 of the Education Code, relating to insurance for athletic teams.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31752 of the Education Code is amended to read:

31752. The governing board of any educational institution, except a school district of any kind or class, shall provide accidental death insurance in an amount of at least five thousand dollars (\$5,000) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars (\$5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event; provided that the Trustees of the California State Colleges and the Regents of the University of California may authorize and require the student body organizations designated pursuant to this section, to be responsible for such medical and hospital expenses in any amount the trustees or the regents may specify, up to two hundred fifty dollars (\$250), in which event such insurance protection for the health and accident expenses may include a deductible clause in the same amount.

The governing board of each school district of any kind or class shall provide accidental death insurance in an amount of at least one thousand five hundred dollars (\$1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in one of the following amounts:

(a) A group or individual medical plan with accidental benefits of at least two hundred dollars (\$200) for each occurrence and major medical coverage of at least ten thousand dollars (\$10,000), with no more than one hundred dollars (\$100) deductible and no less than eighty percent (80%) payable for each occurrence.

(b) Group or individual medical plans which are certified by the Insurance Commissioner to be equivalent to the required coverage of at least one thousand five hundred dollars (\$1,500).

(c) At least one thousand five hundred dollars (\$1,500) for all such medical and hospital expenses.

Insurance protection in either of the above amounts shall be provided through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the place of the athletic event. Minimum medical benefits under any insurance required by this paragraph shall be equivalent to the three dollars and fifty cents (\$3.50) conversion factor as applied to the unit values contained in the minimum fee schedule adopted by the Division of Industrial Accidents of the State of California, effective October 1, 1966.

The Trustees of the California State Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof.

The governing boards of the various school districts shall require that each member of an athletic team have insurance protection as prescribed by this section, with the costs of such insurance protection to be paid either out of the funds of the district, the funds of the student body, or by any other persons on behalf of, the individual team members or students covered

by such insurance. In the event that the governing board of a school district should determine that a member of an athletic team or the parents, guardians or other person having charge or control of a member of an athletic team are financially unable to pay the costs of such insurance protection, then the governing board shall require the costs of such protection to be paid either out of funds of the district or funds of the student body.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

The insurance otherwise required by this section shall not be required for any individual team member or student who has such insurance or a reasonable equivalent of health benefits coverage provided for him in any other way or manner, including, but not limited to, purchase by himself, or by his parent or guardian.

CHAPTER 848

An act to amend Sections 4573, 4573.5, and 4573.6 of the Penal Code, relating to narcotics and drugs.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4573 of the Penal Code is amended to read:

4573. Except when otherwise authorized by law, or when authorized by the person in charge of the prison or other institution referred to in this section or by an officer of the institution empowered by the person in charge of the institution to give such authorization, any person, who knowingly brings or sends into, or knowingly assists in bringing into, or sending into, any state prison, prison road camp, prison forestry camp, or other prison camp or prison farm or any other place where prisoners of the state are located under the custody of prison officials, officers or employees, or into any county, city and county, or city jail, road camp, farm or other place where prisoners or inmates are located under custody of any sheriff, chief of police, peace officer, probation officer or employees, or within the grounds belonging to any such institution, any narcotic, the possession of which is prohibited by Division 10 (commencing with Section 11000) of the Health and Safety Code, any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming a narcotic, or any alcoholic beverage, is guilty of a felony.

SEC. 2. Section 4573.5 of the Penal Code is amended to read:

4573.5. Any person who knowingly brings into any state prison or other institution under the jurisdiction of the Department of Corrections, or into any prison camp, prison farm, or any other place where prisoners or inmates of such institutions are located under the custody of prison or institution officials, officers, or employees, or into any county, city and county or city jail, road camp, farm or any other institution or place where prisoners or inmates are being held under the custody of any sheriff, chief of police, peace officer, probation officer, or employees, or within the grounds belonging to any such institution or place, any drugs, other than narcotics, in any manner, shape, form, dispenser, or container, or any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming any drug other than narcotics, without having authority so to do by the rules of the Department of Corrections, the rules of the prison, institution, camp, farm, place, or jail, or by the specific authorization of the warden, superintendent, jailer, or other person in charge of the prison, jail, institution, camp, farm, or place, is guilty of a felony.

SEC. 3. Section 4573.6 of the Penal Code is amended to read:

4573.6. Any person who knowingly has in his possession in any state prison, prison road camp, prison forestry camp, or other prison camp or prison farm or any place where prisoners of the state are located under the custody of prison officials, officers, or employees, or in any county, city and county or city jail, road camp, farm, or any place or institution, where prisoners or inmates are being held under the custody of any sheriff, chief of police, peace officer, probation officer, or employees, or within the grounds belonging to any such jail, road camp, farm, place or institution, any narcotics, or drugs in any manner, shape, form, dispenser or container, any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming narcotics or drugs, or alcoholic beverage, without being authorized to so possess the same by the rules of the Department of Corrections, rules of the prison or jail, institution, camp, farm or place, or by the specific authorization of the warden, superintendent, jailer or other person in charge of the prison, jail, institution, camp, farm or place, is guilty of a felony.

CHAPTER 849

An act to add Article 2.5 (commencing with Section 1138) to, and to repeal Article 2 (commencing with Section 1137) of, Chapter 19 of Division 3 of the Probate Code, relating to trusts, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Article 2 (commencing with Section 1137) of Chapter 19 of Division 3 of the Probate Code is repealed.

SEC. 2. Article 2.5 (commencing with Section 1138) is added to Chapter 19 of Division 3 of the Probate Code, to read:

Article 2.5. Inter Vivos and Other Trusts

1138. As used in this article, "trust" means a written voluntary express trust, with additions thereto, whether created by will or other than by will which is entirely administered or to be entirely administered in this state. As used in this article, "trust" does not mean a trust subject to court supervision under Article 1 (commencing with Section 1120) of this chapter, a Totten trust, a business trust which is taxed as a partnership or corporation, an investment trust subject to regulation under the laws of this state or any other jurisdiction, a common trust fund, a voting trust, a deed of trust, a transfer in trust for purpose of suit or enforcement of a claim or right, a trust for the primary purpose of paying debts, dividends, interest, salaries, wages, pensions, or employee benefits of any kind, an arrangement under which a person is a nominee or escrow holder for another, a trust subject to supervision of the Attorney General under Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code during the period when no private beneficiary or remainderman has or may claim an interest therein, nor a trust declared exempt from supervision under Section 12583 of the Government Code.

1138.1. (a) A trustee, beneficiary, or remainderman may petition the superior court for any of the following purposes:

(1) Determining to whom the property shall pass or be delivered upon final or partial termination of the trust, to the extent such determination is not concluded by the trust instrument.

(2) Settling the accounts and passing upon the acts of the trustee.

(3) Authorizing the trustee to accept additions to the trust when the trust instrument does not prohibit such additions.

(4) Instructing the trustee.

(5) Compelling the trustee to submit his accounts and report his acts as trustee to a beneficiary or remainderman when it appears that the trustee has failed to submit an accounting and report within 60 days after written request of a beneficiary or remainderman and no accounting and report has been made within six months preceding such request.

(6) Granting to the trustee powers not expressly contained in the trust instrument to the extent provided in Section 1120.2.

(7) Fixing, directing, or allowing payment of compensation to the trustee in accordance with Section 2274 of the Civil Code.

(8) Appointing a trustee.

(9) Accepting the resignation of a trustee.

(10) Removing a trustee.

(11) Authorizing or directing removal of the trusts or assets of the trust to another jurisdiction.

(b) The terms of a trust subject to this article may expressly or by necessary implication limit or eliminate the authority of any trustee, beneficiary, remainderman or other person to petition the court under this article for any one or more of the purposes enumerated in subdivision (a).

1138.2. The court may make all orders and decrees and take all other action necessary or proper to dispose of the matters presented by the petition.

1138.3. Proceedings under this article shall be commenced in the superior court of the county in which is located the principal place of administration of the trust. As used in this section, the "principal place of administration of the trust" is the trustee's usual place of business where the day-to-day records pertaining to the trust are kept or the trustee's residence if he has no such place of business. In the case of cotrustees, the principal place of administration is the usual place of business where such records are kept, or, if none, the usual place of business or residence of any of the cotrustees as agreed upon by them, or, if none, the county in which any trustee resides or maintains a place of business.

1138.4. Each proceeding under this article shall be commenced by filing a verified petition which shall state facts showing that the petition is authorized under this article and the terms of the trust.

1138.5. The court may dismiss a petition when it appears:

(a) That the proceeding is not reasonably necessary for the protection of the interests of a trustee or for the protection of the interests of beneficiaries or remaindermen; or

(b) That nondisclosure of the terms, assets, management, and administration of the trust is in the best interests of the objects of the trust.

1138.6. (a) Upon the filing of a petition provided for in this article, the clerk shall set the petition for hearing and shall cause a notice of the time and place of hearing thereof to be posted at the courthouse of the county where the proceeding is pending at least 30 days before the date of the hearing, giving the name of the trustor, the name of the petitioner, and the nature of the petition, referring thereto for further particulars, and stating the time at which the petition will be heard.

At least 30 days before the time set for the hearing of the petition, the petitioner shall cause notice of the time and place of hearing thereof to be mailed to the trustee of the trust when he is not the petitioner, to any cotrustee not petitioning,

and to all beneficiaries and remaindermen of the trust, including all persons in being who may participate in the corpus or income of the trust, addressed to them at their respective offices or places of residence, if known, and if not known such notice shall be given as the court may require in the manner provided in Section 413.30 of the Code of Civil Procedure.

When a cotrustee not petitioning, a beneficiary, or a remainderman, in person or by counsel, has served and filed a notice of appearance directed to the petitioner or his counsel in connection with the particular petition and proceeding, or a written request for a copy of the petition, and given an address to which notices or such copy may be sent or delivered, the petitioner shall cause a copy of the petition to be sent by mail to such cotrustee or person or counsel within five days after service of notice of appearance or receipt of such request.

Personal delivery is the equivalent of mailing.

Proof of the giving of notice and of mailing or personal delivery of a copy of the petition shall be made at the hearing. If it appears to the satisfaction of the court that the notice has been given as required, the court shall so find in its order, and the order, when it becomes final, shall be conclusive upon all persons.

(b) Proceedings under this article shall be governed, whenever possible, by the provisions of this article, and when the provisions of this article do not appear applicable, the provisions of Division 3 (commencing with Section 300) shall apply.

(c) The court for good cause may shorten the time required for performance of any act required by this section.

1138.7. (a) At any stage of a proceeding under this article the court may appoint a guardian ad litem to represent the interest of a minor, an incapacitated, unborn, or unascertained person, or a person whose identity or address is unknown, if the court determines that representation of the interest otherwise would be inadequate. Where not precluded by conflict of interests, a guardian ad litem may be appointed to represent several persons or interests.

(b) When it appears from the petition that the trustee seeks or is to be given instructions to exercise a power not conferred upon him, the petition shall set forth the particulars of, and the necessity for, the action sought to be taken. In addition to the notice required by Section 1138.6, when the petition relates to the exercise of a power not conferred or where the petition relates to determining to whom the property shall pass or be delivered upon final or partial termination of the trust, a copy of the petition shall be attached to, and mailed with, copies of the notice, and, at least 10 days before the time set for the hearing of the petition, the court or judge shall appoint a suitable person or persons who shall appear and act as guardian ad litem of any person or persons of a designated class who are not ascertained or in being or who may become beneficiaries or may participate in the trust.

(c) Sections 373 and 373.5 of the Code of Civil Procedure shall not apply to the appointment of a guardian ad litem under the provisions of this article.

1138.8. Unless otherwise expressly provided in the trust instrument a trustee or cotrustee may resign at any time. Such resignation and the appointment of a successor trustee shall be effected as provided in the trust instrument. If the trust instrument is silent a trustee may file with a court a petition tendering his resignation as such trustee and the court shall accept such resignation making any order appointing a successor trustee and other order which may be necessary for the preservation of the estate. The liability of the resigning trustee or the sureties on his bond, if any, shall not be discharged, released, or affected in any manner by the resignation, but shall continue until the trustee has delivered all of the estate to the person whom the court shall appoint to receive it.

1138.9. If a trustee of a trust subject to this article dies, resigns, fails or declines to act, cannot be identified, is incapable of acting for any reason, or is removed, or a vacancy in the trusteeship is otherwise created or exists, and the trust instrument does not provide a method for appointing a successor trustee, the court shall have the power to appoint a trustee to fill the vacancy upon the petition of the trustee or anyone interested in the trust estate.

1138.10. An appeal may be taken from any final order or decree made pursuant to paragraph (1), (2), (4), (6), (7), (8), (10), or (11) of subdivision (a) of Section 1138.1, or from an order dismissing the petition or denying a motion to dismiss under Section 1138.5.

1138.11. The remedies provided under this article are cumulative and nonexclusive.

1138.12. It is the intent of the Legislature in enacting this article that the administration of trusts subject to this article proceed expeditiously and free of judicial intervention subject to the jurisdiction of the courts of this state as invoked pursuant to this article or otherwise invoked pursuant to law.

1138.13. This article shall apply to all trusts created on or after the operative date of this article, and to any trust created prior thereto which by its terms or by amendment expressly makes this article applicable to such trust. However, this article shall not apply to any trust the terms and provisions of which expressly or by necessary implication make this article inapplicable to such trust.

SEC. 2.5. Section 1138 is added to Article 2.5 (commencing with Section 1138) of Chapter 19 of Division 3 of the Probate Code, to read:

1138. As used in this article, "trust" means a written voluntary express trust, with additions thereto, whether created by will or other than by will which is entirely administered or to be entirely administered in this state. As used in this article, "trust" does not mean a trust subject to court supervision under Article 1 (commencing with Section 1120)

of this chapter or Chapter 10 (commencing with Section 175) of Division 1, a Totten trust, a business trust which is taxed as a partnership or corporation, an investment trust subject to regulation under the laws of this state or any other jurisdiction, a common trust fund, a voting trust, a deed of trust, a transfer in trust for purpose of suit or enforcement of a claim or right, a trust for the primary purpose of paying debts, dividends, interest, salaries, wages, pensions, or employee benefits of any kind, an arrangement under which a person is a nominee or escrow holder for another, a trust subject to supervision of the Attorney General under Article 7 (commencing with Section 12580) of Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code during the period when no private beneficiary or remainderman has or may claim an interest therein, nor a trust declared exempt from supervision under Section 12583 of the Government Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Many attorneys and citizens of the state are planning to execute trusts in light of and pursuant to the provisions of Chapter 1172 of the Statutes of 1969. Repeal of the provisions of such chapter, which without this act will become operative on November 1, 1970, is necessary so that this revision can be enacted. In order to avoid the great economic waste that is involved in the planning of trusts under such circumstances, it is necessary to immediately effectuate the repeal of the provisions of Chapter 1172 of the Statutes of 1969.

SEC. 4. Section 2 of this act shall become operative on July 1, 1971.

SEC. 5. Section 2.5 of this act shall become operative only if Chapter 10 (commencing with Section 175) is added to Division 1 of the Probate Code, as proposed by Senate Bill No. 651 of the 1970 Regular Session, and in such case shall become operative on January 1, 1971, at which time Section 1138 of the Probate Code, as added by Section 2 of this act, is repealed.

CHAPTER 850

An act to amend Section 1260 of the Penal Code, relating to judgments.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1260 of the Penal Code is amended to read:

1260. The court may reverse, affirm, or modify a judgment or order appealed from, or reduce the degree of the

offense or the punishment imposed, and may set aside, affirm, or modify any or all of the proceedings subsequent to, or dependent upon, such judgment or order, and may, if proper, order a new trial and may, if proper, remand the cause to the trial court for such further proceedings as may be just under the circumstances.

CHAPTER 851

An act to amend Section 8704 of the Education Code, relating to foreign language instruction.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 8704 of the Education Code is amended to read:

8704. Notwithstanding any provision of Section 8571 or of any other statute, during the period July 1, 1965, to June 30, 1973, the state board may, on an annual basis, exempt any school district or any particular school maintained by a school district from the requirement of providing a course in a foreign language in grade 7 or 8, or any combination of such grades. This exemption may be granted only upon written application supported by evidence satisfactory to the state board that the providing of such instruction would impose an unreasonable burden on the district.

CHAPTER 852

An act to amend Sections 24243 and 24300 of the Public Utilities Code, relating to aircraft accidents.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 24243 of the Public Utilities Code is amended to read:

24243. This part does not apply to:

(a) Any aircraft owned and operated by or leased to and subject to the sole control of the United States or any civil or military agency of the United States or of the District of Columbia, the Commonwealth of Puerto Rico or any territory or possession of the United States.

(b) Any aircraft owned and operated by or leased to and subject to the sole control of this or any other state or agency thereof or any political subdivision or municipality of this or any other state.

(c) Any aircraft owned and operated by or leased to and subject to the sole control of any foreign country or any civil

or military agency thereof or any political subdivision or municipality thereof.

(d) Any commercial air operator subject to Chapter 9 (commencing with Section 5500) of Division 2.

(e) Any aircraft operated by an operator subject to the provisions of Article 2 (commencing with Section 11931) of Chapter 5 of Division 6 of the Agricultural Code.

(f) Any person who maintains in effect an insurance policy meeting the requirements of Section 24350 and who has filed with the department a certificate of insurance issued by the insurance company which issued such policy; provided, however, that such person shall, in accordance with the provisions of Section 24300, report each aircraft accident in which he is involved as operator or owner of aircraft.

SEC. 2. Section 24300 of the Public Utilities Code is amended to read:

24300. The operator of any aircraft involved in an accident within this state in which any person is killed or injured or damage in excess of four hundred dollars (\$400), is sustained to the property of any person, other than property owned by the owner or operator, or in his care, custody or control, or carried in or on the aircraft, shall immediately but not later than 15 days after the accident report the matter in writing to the department. If the operator is physically incapable of making the report, the owner of the aircraft involved in the accident, shall immediately but not later than 15 days after learning of the accident, make the report. If neither the operator nor the owner is physically capable of making the report, then each passenger shall, within 15 days after learning of the incapacity of the operator or owner, make the report. If the owner or operator dies as a result of the accident, the legal representative of the operator or owner shall make the report within 15 days after his qualifications. The sheriff of the county in which the accident occurred, or the chief of police of the city in which the accident occurred, as the case may be, shall notify the department in writing immediately but not later than 15 days after learning of the accident.

CHAPTER 853

An act to add Section 1121 to the Government Code, relating to conflicts of interest.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1121 is added to the Government Code, to read:

1121. Any gains or profits made by any officer or employee of the state or of a local public agency through the purchase

and sale of property the value of which has been substantially enhanced by governmental action, the advance knowledge of which was imparted to such officer or employee by reason of his public office or employment, and was not a matter of public record, shall be impressed with a trust in favor of the state or of the local agency whose activities bring about such enhancement. If there is no readily identifiable local public agency involved then the beneficiary of the trust shall be the state. The provisions of this section shall not apply to any officer or employee of the state or of a local public agency who submits a bid for the purchase of property at a public sale after notice inviting such bids has been given as required by statute, rule or regulation.

The city attorney of the city in which the property is located shall enforce the trust; and if the property is not within a city the county counsel of the county in which the property is located shall enforce the trust. In the event that the trust is not enforced by a city attorney or a county counsel, the Attorney General is empowered to enforce the trust.

CHAPTER 854

An act to amend Section 1241.7 of, and to add Section 1241.9 to, the Code of Civil Procedure, relating to eminent domain.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1241.7 of the Code of Civil Procedure is amended to read:

1241.7. (a) Except as provided in subdivision (b), notwithstanding any other provision of law to the contrary, the fact that property is appropriated for public use as a state, regional, county, or city park or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, establishes a rebuttable presumption of its having been appropriated for the best and most necessary public use. The presumption established by this section is a presumption affecting the burden of proof.

(b) When property appropriated for a public use as a state, regional, county, or city park or recreation area, or wildlife or waterfowl management area as presently established by the Department of Fish and Game pursuant to Section 1525 of the Fish and Game Code, or historic site included in the National Register of Historic Places or state-registered landmarks, or

as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, is sought to be acquired for state highway purposes, and such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve was dedicated to or established for park or recreational purposes, or as a wildlife or waterfowl management area, or as a historic site included in the National Register of Historic Places or state-registered landmarks, or as an ecological reserve as provided for in Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code, prior to the initiation of highway route location studies, an action for declaratory relief may be brought only by the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after written notice to the public agency owning such park or recreational area, or wildlife or waterfowl management area, or historic site, or ecological reserve by the California Highway Commission that a proposed route or an adopted route includes park land or recreational area, or a wildlife or waterfowl management area, or an historic site, or an ecological reserve owned by that agency. In such declaratory relief action, the resolution of the commission shall not be conclusive evidence of the matters set forth in Section 103 of the Streets and Highways Code. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action, with respect to such property being sought for highway purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

SEC. 2. Section 1241.9 is added to the Code of Civil Procedure, to read:

1241.9. (a) Except as provided in subdivision (b), notwithstanding any other provision of law to the contrary, the fact that property is owned by a nonprofit organization contributions to which are deductible for state and federal income tax purposes under the law of this state and of the United States and having the primary purpose of preserving areas in their natural condition, and that such property is open to the public subject to reasonable restrictions and is appropriate, and used exclusively, for the preservation of native plants, or native animals, including, but not limited to, mammals, birds, and marine life, or biotic communities, or geological or geographical formations of scientific or educational interest; and

further that such property is irrevocably dedicated to such uses so that upon liquidation, dissolution, or abandonment of or by the owner, such property will be distributed only to a fund, foundation, or corporation whose property is likewise irrevocably dedicated to such uses, or to a governmental agency holding land for such uses; establishes a rebuttable presumption of its having been appropriated for the best and most necessary public use. The presumption established by this section is a presumption affecting the burden of proof.

(b) When property described in subdivision (a) is sought to be acquired for state highway purposes, and such property was exclusively devoted to a use or uses described in subdivision (a) prior to the initiation of highway route location studies, an action for declaratory relief may be brought only by such nonprofit organization owning such property in the superior court to determine the question of which public use is the best and most necessary public use for such property. Such action for declaratory relief shall be filed and served within 120 days after written notice to the nonprofit organization owning such property by the California Highway Commission that a proposed route or an adopted route includes such property owned by that organization; provided that such written notice need only be given to nonprofit organizations that are on file with the Registrar of Charitable Trusts of this state. In such declaratory relief action, the resolution of the commission shall not be conclusive evidence of the matters set forth in Section 103 of the Streets and Highways Code. Such action for declaratory relief shall have preference over all other civil actions in the matter of setting the action for hearing or trial to the end that any such action shall be quickly heard and determined. If an action for declaratory relief is not filed and served within such 120-day period, the right to bring such action is waived and the provisions of subdivision (a) shall not apply. When a declaratory relief action, with respect to such property being sought for highway purposes, may not be brought pursuant to this subdivision, the provisions of subdivision (a) of this section shall not apply.

CHAPTER 855

An act to amend Section 423 of the Revenue and Taxation Code, relating to open-space lands.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 423 of the Revenue and Taxation Code is amended to read:

423. When valuing open-space land subject to an enforceable restriction, other than land used for the production of

timber for commercial purposes, the board for purposes of surveys required by Section 1815 of this code and the county assessor shall not consider sales data on lands, whether or not subject to an enforceable restriction, but shall value such lands by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available the income shall be the fair rent which can be imputed to the land being valued based upon rent actually received for the land by the owner and upon typical rentals received in the area for similar land in similar use, where the owner pays the property tax. When the land being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the land shall be the amount for which the land would be expected to rent were the rental payment to be renegotiated in the light of current conditions including applicable enforceable restrictions.

(2) Where sufficient rental information is not available, the income shall be that which the land being valued reasonably can be expected to yield under prudent management and subject to applicable enforceable restrictions. There shall be a rebuttable presumption that "prudent management" does not include use of the land for a recreational use, as defined in subdivision (n) of Section 51201 of the Government Code, unless the land is actually devoted to such use.

For the purposes of this section income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, which the land can be expected to yield to an owner-operator annually on the average from any use of the land permitted under the terms of the enforceable restriction including, but not limited to, that from the production of salt and from typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. When the land is planted to fruit-bearing or nut-bearing trees, vines, bushes or perennial plants, the revenue shall not be less than the land would be expected to yield to an owner-operator from other typical crops grown in the area during a typical rotation period, not to exceed six years including the tax year and the next succeeding five years. Proceeds from the sale of the land being valued shall not be included in the revenue from the land.

Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing such revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the

revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the land, interest on funds invested in trees and vines valued as land as provided by Section 429, property taxes, corporation income taxes, or corporation franchise taxes based on income. When the income used is from operating the land being valued or from operating comparable land, amounts shall be excluded from the income to provide a fair return on capital investment in operating assets other than the land, to amortize depreciable property, and to fairly compensate the owner-operator for his operating and managing services.

Where the land being valued is not capable of producing income or is not used to produce income or where sufficient information is not available by which income can be determined as provided in this subdivision, the board and the assessor shall impute to the land a reasonable amount to be capitalized as income.

(b) The capitalization rate to be used in valuing land pursuant to this article shall not be derived from sales data and shall be the sum of three components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and which was the yield rate for long-term United States government bonds, as most recently published by the Federal Reserve Board, rounded to the nearest one-quarter ($\frac{1}{4}$) percent.

(2) A risk component which shall be a percentage determined on the basis of the location and characteristics of the land, the crops to be grown thereon and the provisions of any lease or rental agreement to which the land is subject; and

(3) A component for property taxes which shall be a percentage equal to the estimated total tax rate applicable to the land for the assessment year times the assessment ratio.

(c) The value of the land shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b).

(d) The ratio prescribed in Section 401 shall be applied to the value of the land determined in subdivision (c) to obtain its assessed value.

CHAPTER 856

An act to amend Section 7141 of the Business and Professions Code, relating to contractors.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7141 of the Business and Professions Code is amended to read:

7141. Except as otherwise provided in this chapter, a license may be renewed at any time within three years after

its expiration on filing of application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. If the license is renewed more than 30 days after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 7140 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A license which is not renewed within three years after its expiration may not be renewed, restored, or reinstated, thereafter.

The amendments made to this section at the 1970 Regular Session of the Legislature shall apply to the renewal of licenses which expire after the effective date of such amendments. Licenses which expired prior to such effective date shall continue to be renewable for a period of five years from the date they expired.

CHAPTER 857

An act to amend Section 5541 of, and to add Section 5545.1 to, the Public Resources Code, relating to regional park districts.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5541 of the Public Resources Code is amended to read:

5541. A district may plan, adopt, lay out, plant, develop, and otherwise improve, extend, control, operate, and maintain a system of public parks, playgrounds, golf courses, beaches, trails, natural areas, ecological and open space preserves, parkways, scenic drives, boulevards, and other facilities for public recreation, for the use and enjoyment of all the inhabitants of the district, and it may select, designate, and acquire land, or rights in land, within or without the district, to be used and appropriated for such purposes. It may cause such trails, parkways, scenic drives, and boulevards to be opened, altered, widened, extended, graded or regraded, paved or repaved, planted or replanted, repaired, and otherwise improved, may conduct programs and classes in outdoor science education and conservation education, and may do all other things necessary or convenient to carry out the purposes of this article.

The board of directors of a district shall not interfere with control of any of the foregoing or other public property,

that are existing, owned or controlled by a municipality or county in the district, except with the consent of the governing body of the municipality, or of the county if the same is in unincorporated territory, and upon such terms as may be mutually agreed upon between the board of directors of the district and the governing body.

SEC. 2. Section 5545.1 is added to the Public Resources Code, to read:

5545.1. The board may submit a proposition to the electors of the district for an increase in the maximum rate of tax specified by Section 5545. The election shall be called and held in the same manner as a bond election, and approval by a majority of all votes cast shall be required to authorize such an increase.

CHAPTER 858

An act to add Sections 100.11 and 100.12 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 100.11 is added to the Streets and Highways Code, to read:

100.11. The department, when operating through the Division of Highways, shall not construct a state highway as a freeway that will result in the severance or destruction of an existing major route for pedestrians, equestrians, bicycles, and light motorcycles, unless it provides all such traffic a reasonable alternate route or such a route exists.

SEC. 2. Section 100.12 is added to the Streets and Highways Code, to read:

100.12. The department shall also incorporate pedestrian and bicycle facilities in the design of freeways on the state highway system along corridors where such pedestrian and bicycle routes do not exist, upon a finding that such facilities would conform to the master plans of local agencies for the development of such facilities and would not duplicate existing or proposed routes, that community interests would be enhanced by the construction of such facilities, and that the cost for construction of such facilities, other than design costs, shall be contributed by local agencies or by others.

CHAPTER 859

An act to amend Sections 456.5 and 456.6 of the Elections Code, relating to elections.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 456.5 of the Elections Code is amended to read:

456.5. If the county clerk maintains tabulating cards containing the information set forth in the affidavits of registration of voters, or sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of a data-processing tape file setting forth the information contained on such cards or tape, together with a statement of the format of such tape file, at each of the following times:

- (a) Not less than 30 days prior to the primary election.
- (b) Not less than 30 days prior to the general election.
- (c) On or before May 1 of each odd-numbered year.
- (d) On or before October 1 of each odd-numbered year.
- (e) On the 135th day before each presidential primary and before each direct primary.

The Secretary of State may make the information on such data-processing tape files available to any person for election or governmental purposes as determined by the Secretary of State and under conditions prescribed by the Secretary of State.

SEC. 2. Section 456.6 of the Elections Code is amended to read:

456.6. If the county clerk does not maintain tabulating cards containing the information set forth in the affidavits of registration of voters, nor sets forth that information on electronic data-processing tape, he shall forward to the Secretary of State one copy of the index of registered voters at each of the following times:

- (a) Not less than 30 days prior to the primary election.
- (b) Not less than 30 days prior to the general election.
- (c) On or before May 1 of each odd-numbered year.
- (d) On or before October 1 of each odd-numbered year.
- (e) On the 135th day before each presidential primary and before each direct primary.

The Secretary of State may make such information available to any person for election or governmental purposes as determined by the Secretary of State and under conditions prescribed by the Secretary of State.

CHAPTER 860

An act to amend Section 2211 of the Streets and Highways Code, relating to the apportionment of federal-aid funds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2211 of the Streets and Highways Code is amended to read:

2211. The department shall notify each county on July 5, 1951, or as soon thereafter as possible, of the amount of money to be available for expenditure in the county from the federal apportionment and of the amount of money hereby made available to pay the state's share in conjunction with the federal aid in the county.

After receiving notice of apportionment from the department, each county shall have 60 days in which to notify the State Highway Engineer as to what amount of the apportionment the county wishes to claim and to agree to provide matching funds therefor, as may be necessary after first considering the sums made available under Section 2210.5. The counties, in cooperation with the department, shall thereafter select projects in conformance with the Federal-Aid Highway Act of 1950. The counties shall prepare plans, specifications, and estimates of cost for construction of the projects, and shall certify the necessary right-of-way and shall submit such documents to the department by October 1st, next succeeding the end of each fiscal year named in the Federal-Aid Highway Act of 1950, to qualify for each successive fiscal year's funds.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that federal aid secondary funds may be allocated in the next fiscal year to the counties for construction of secondary highway projects for which the counties have certified the necessary rights-of-way, it is necessary that this act go into effect immediately.

CHAPTER 861

An act to amend Section 11509 of the Insurance Code, relating to insurance.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11509 of the Insurance Code is amended to read:

11509. Every corporation subject to the provisions of this chapter shall annually, on or before the first day of March, file in the office of the commissioner a statement verified by at least two of the principal officers of said corporation, showing its condition and affairs as of the 31st day of December then next preceding, which shall be in such form as shall be required by said commissioner and shall contain statements relative to the matters required to be established as a condition precedent to maintaining or operating a nonprofit hospital service plan and to other matters as said commissioner shall prescribe.

Commencing with the annual statement to be filed on or before March 1, 1969, the commissioner shall require the payment of a fee for filing such statement. Such fee shall be in an amount estimated by the commissioner as the filing corporation's proportionate share of the costs of the department in administering the provisions of this chapter in that calendar year with respect to the operations of all corporations required to file an annual statement. In making the estimate of such costs the commissioner shall take into account all other fees and charges, except those for examinations and agents, paid or to be payable to the department in such calendar year by such corporations and shall, on or before the first day of February, certify to each such corporation holding a certificate of authority under Section 11504, the amount of the fee to be paid by it pursuant to this section. The total amount of fees and charges, except charges payable in connection with examinations made pursuant to Section 736 and agents' license fees, whether imposed by this section or otherwise, to be collected by the commissioner from corporations subject to this chapter shall not exceed for any calendar year an amount equal to six cents (\$.06) for each individual or family unit shown as covered by a hospital service contract in the annual statements filed under this section for the preceding calendar year.

The Legislature finds the accounts between the corporations subject to this chapter and the commissioner concerning the fees due under this section have not yet been settled for the calendar year 1969 or any subsequent period of time. For the calendar year 1969 and all subsequent calendar years the amounts of fees payable under this section shall be those prescribed by the wording of this section as amended at the 1970 Regular Session of the Legislature.

CHAPTER 862

An act to add Article 5 (commencing with Section 1170) to Chapter 3 of Division 2 of the Fish and Game Code, relating to fish hatcheries.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Article 5 (commencing with Section 1170) is added to Chapter 3 of Division 2 of the Fish and Game Code, to read:

Article 5. Private Nonprofit Hatcheries

1170. The commission may issue a permit, subject to such restrictions and regulations as the commission deems desirable, to a nonprofit organization to construct and operate an anadromous fish hatchery.

1171. The commission shall not issue a permit unless it determines the nonprofit organization has the financial capability to successfully construct and operate the hatchery and will diligently and properly conduct the operation authorized under the permit.

1172. No permit will be issued which may tend to deplete the natural runs of anadromous fish, result in waste or deterioration of fish, or when the proposed operation is located on a stream or river below a state or federal fish hatchery or egg-taking station.

1173. All fish handled under authority of this article during the time they are in the hatchery or in the wild are the property of the state and when in the wild may be taken under the authority of a sport or commercial fishing license as otherwise authorized for wild fish.

1174. Any permit granted by the commission pursuant to this article shall contain the following conditions:

If after a hearing the commission finds that the operation described in the permit and conducted pursuant to this article is not in the best public interest, the commission may alter the conditions of the permit to mitigate such adverse effects, or may cause an orderly termination of the operation under the permit. Proceedings to cause such alteration or termination shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the commission shall have all the powers granted therein. An orderly termination shall not exceed a three-year period and shall culminate in the revocation of the permit in its entirety.

If the commission finds that the operation has caused deterioration of the natural run of anadromous fish in the waters covered by the permit, it may require the permittee to return the fishery to the same condition as was prior to issuance of the permit. If the permittee fails to take appropriate action, the commission may direct the department to take such action,

and the permittee shall bear any cost incurred by the department.

Prior to release into state waters and at any other time deemed necessary by the department, the fish may be examined by the department to determine that they are not diseased or infected with any disease which, in the opinion of the department, may be detrimental to the state fishery resources.

1175. The state shall assume no responsibility for the operation of a hatchery pursuant to this article and shall not be in any manner liable for its operation.

SEC. 2. Any permit issued under this act shall be on an experimental basis until its impact on the fishery resource can be ascertained and, therefore, this act shall be applicable only to the waters of Rowdy Creek, contained within Del Norte County.

CHAPTER 863

An act to amend Section 9944 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9944 of the Business and Professions Code is amended to read:

9944. Upon receipt of an application for a license, the bureau shall cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct an employment agency. The bureau shall have the authority to approve or reject any proposed premises, if, in its opinion, such premises would endanger the health, welfare, safety, or morals of applicants for employment, or would tend to reflect unfavorably on the employment agency business. The bureau shall adopt regulations specifying the type of premises which it will reject for these reasons.

CHAPTER 864

An act to amend Section 9992 and 9993 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9992 of the Business and Professions Code is amended to read:

9992. Upon receipt of a complaint, or upon its own motion, the bureau shall ascertain whether or not the accused licensee has been guilty of an act or omission constituting a ground

for disciplinary action and may make or cause to be made such investigation as it deems necessary in order to ascertain this fact. All inspections and investigations are to be performed by personnel assigned by the director.

Fee controversies which do not involve a violation of any provision of this chapter, or of a rule or regulation of the bureau, shall not be a proper subject for complaint under this section.

SEC. 2. Section 9993 of the Business and Professions Code is amended to read:

9993. Acts or omissions constituting grounds for disciplinary action by the bureau shall include, but shall not be limited to:

- (a) Engaging in unprofessional conduct.
- (b) Procuring a license by fraud, misrepresentation or mistake.
- (c) Violations or attempts to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiracy to violate, any provision or term of this chapter.
- (d) Making or giving any false statement or information in connection with the application for issuance of a license.
- (e) Conviction of a felony or any crime involving moral turpitude.
- (f) Impersonating or acting as proxy for any applicant in any examination required under this chapter for the issuance of a license.
- (g) Making false promises, misrepresentations in advertisements, or engaging in the practice of claiming or demanding fees, other compensation or commissions for services not rendered, within the contract agreed.
- (h) Failure to comply with obligations of contracts or agreements provided for in Section 9985 or, except as otherwise provided in Section 9977, failure to make fee refunds when due thereunder within 10 working days after request by the applicant.
- (i) Engaging in any other conduct, whether of the same or a different nature than specified in this section, which constitutes fraud or dishonest dealing.

CHAPTER 865

An act to amend Section 75.7 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission

shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Noise impact upon the communities affected.

SEC. 2. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Noise impact upon the communities affected.
- (k) Impact on agricultural values.

SEC. 3. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Noise impact upon the communities affected.

(k) Environmental values and impact on the ecology of the area.

(l) Local and regional plans.

SEC. 4. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.

(b) Community values.

(c) Recreational and park areas.

(d) Historical and aesthetic values.

(e) Property values, including impact on local tax rolls.

(f) State and local public facilities.

(g) City street and county road traffic.

(h) Total projected regional transportation requirements.

(i) Information furnished by any school district.

(j) Noise impact upon the communities affected.

(k) Impact on agricultural values.

(l) Environmental values and impact on the ecology of the area.

(m) Local and regional plans.

SEC. 5. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and S.B. 59, but not those proposed by A.B. 1991, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 59 is enacted and amends Section 75.7, Section 2 of this act shall become operative at the same time that Section 75.7 as amended by S.B. 59 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 3, and 4 of this act is repealed.

SEC. 6. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and A.B. 1991, but not those proposed by S.B. 59, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 3 of this act. Therefore, in the event A.B. 1991 is enacted and amends Section 75.7, Section 3 of this act shall become operative at the same time that Section 75.7 as amended by A.B. 1991 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 4 of this act is repealed.

SEC. 7. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by this bill, A.B. 1991, and S.B. 59 are enacted, that all three amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 4 of this act. Therefore, in the

event that both A.B. 1991 and S.B. 59 are enacted and amend Section 75.7, Section 4 of this act shall become operative at the same time that Section 75.7 as amended by A.B. 1991 and S.B. 59 become operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 3 of this act is repealed.

CHAPTER 866

An act to amend Section 15513 of the Corporation Code, relating to limited partnerships.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15513 of the Corporations Code is amended to read:

15513. (a) A limited partner also may lend money to and transact other business with the partnership, and, unless he is also a general partner, receive on account of resulting claims against the partnership, with general creditors, a pro rata share of the assets. If, at the time of receipt, the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners, no limited partner shall, in respect to any such claim:

(1) Receive as collateral security any partnership property, or

(2) Receive from a general partner of the partnership any payment, conveyance, or release from liability.

(b) No limited partner shall make a loan upon the security of partnership property if, at the time such secured loan is made, the assets of the partnership are not sufficient to discharge partnership liabilities to persons not claiming as general or limited partners.

(c) The making of a secured loan, or the receiving of collateral security, or a payment, conveyance, or release, in violation of the provisions of subdivision (a) or (b) is a fraud on the creditors of the partnership.

SEC. 2. This act does not constitute a change in, but is declaratory of, the existing law.

CHAPTER 867

An act to add Section 1906 to the Welfare and Institutions Code, relating to youth service bureaus, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1906 is added to the Welfare and Institutions Code, to read:

1906. The board of supervisors of any county may participate in the establishment and maintenance of one or more youth service bureaus for the county by the appropriation of funds to defray expenses including salaries.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that youth service bureaus for the coordination of activities for the prevention of juvenile delinquency may continue to be operated it is necessary that this act go into immediate effect.

CHAPTER 868

An act to add Section 6086 to the Harbors and Navigation Code, relating to harbor districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6086 is added to the Harbors and Navigation Code, to read:

6086. Notwithstanding any other provision in this part to the contrary, when preliminary proceedings have been begun before the county's local agency formation commission to dissolve the harbor district, a board of a harbor district which consists of the entire area of a county shall not incur an indebtedness for, or take action to obligate the district for, any capital expenditure in excess of fifty thousand dollars (\$50,000) until dissolution proceedings have been terminated either by election or otherwise.

This section shall remain in effect until November 30, 1970, and shall have no force or effect after that date.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The harbor districts have the authority to borrow large sums of money and to obligate their funds and future revenues. At the present, there are proceedings pending before the local agency formation commission to dissolve some districts. To effectuate the purposes of this act it is necessary that its provision be effective immediately.

CHAPTER 869

An act to add Section 308.5 to the Fish and Game Code, relating to watering places.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 308.5 is added to the Fish and Game Code, to read:

308.5. For the preservation, protection and restoration of mountain sheep and other birds and mammals in arid regions of the state, the commission, in cooperation with the agency authorized to manage the land, may prohibit any activity, including but not limited to camping, in the vicinity of water-holes, springs, seeps, and other watering places which are on public lands. The department may enter into agreements with other state and federal agencies controlling public lands for the purpose of posting such areas.

CHAPTER 870

An act to amend Sections 1010.4, 25515.5, and 25516.5 of, to amend and renumber Section 1010.3, to add Section 199 to, and to repeal Sections 200.6 and 200.8 of, the Education Code, relating to community colleges.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 199 is added to the Education Code, to read:

199. The board of governors shall review and approve academic master plans and master plans for facilities for each community college district. Such plans shall be submitted to the board of governors by the local governing board of each community college district. Master plans for facilities submitted pursuant to Chapter 19 (commencing with Section 20050) of Division 14 shall satisfy the requirements of this section in relation to master plans for facilities. Each district shall annually submit changes in its approved academic master plan for approval by the board of governors.

SEC. 2. Section 200.6 of the Education Code is repealed.

SEC. 3. Section 200.8 of the Education Code is repealed.

SEC. 4. Section 1010.3 of the Education Code is amended and renumbered to read:

25427. The district governing board shall:

(a) Establish policies for, and approve, current and long-range educational plans and programs and promote orderly

growth and development of the community colleges within the district.

(b) Establish policies for, and approve, academic master plans and long-range master plans for facilities. The district governing board shall submit such master plans to the board of governors for review and approval.

SEC. 5. Section 1010.4 of the Education Code is amended to read:

1010.4. The district governing board shall:

(a) Establish policies for, and approve, the total educational program of the community college or colleges in the district.

(b) Approve all classes for adults and shall submit such classes as are eligible for state apportionments to the board of governors for approval.

(c) Approve and provide such classes, programs and facilities under the provisions of the Community Service Act, the Civic Center Act, and the Recreation Act as deemed appropriate.

(d) Establish policies for, and approve, all other programs and services of the community college except as provided in Section 25515.5.

(e) Establish policies for, and approve, procedures for the adoption of instructional materials.

SEC. 6. Section 25515.5 of the Education Code is amended to read:

25515.5. Courses of instruction and educational programs shall be prepared under the direction of the governing board of each community college district. Such educational programs shall be submitted to the board of governors for approval. Courses of instruction which are not offered in approved educational programs shall be submitted to the board of governors for approval. The district governing board shall establish policies for, and approve, individual courses which are offered in approved educational programs without referral to the board of governors.

The board of governors shall review, and may approve, all educational programs and all courses which are required by this section to be submitted to it for approval.

For the purposes of this section, "course of instruction" means an instructional unit of an area or field of organized knowledge, usually provided on a quarter, semester, year, or prescribed length-of-time basis.

For the purposes of this section, "educational program" is an organized sequence of courses leading to a degree, a certificate, a diploma, a license, or transfer to another institution of higher education.

SEC. 7. Section 25516.5 of the Education Code is amended to read:

25516.5. No state funds shall be apportioned to any district on account of the attendance of students enrolled in a community college course unless the course was offered in an educational program, as defined by Section 25515.5, approved

by the board of governors or the course itself was approved by the board of governors.

In any other law having an effect, in relation to community colleges, similar to that of this section, "courses" shall be interpreted in a manner consistent with the provisions of this section.

SEC. 8. The provisions of Sections 6 and 7 of this act shall apply to classes convened in the fall semester or quarter in 1971 and thereafter. All individual courses which carry a valid approval given by the State Board of Education or the Board of Governors of the California Community Colleges on or before the effective date of this act shall be considered to be courses offered in approved educational programs.

CHAPTER 871

An act to amend Sections 31203 and 31212 of the Education Code, relating to higher education.

[Approved by Governor September 3, 1970. Filed with Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31203 of the Education Code is amended to read:

31203. No person shall be awarded a scholarship unless:

(a) He is a resident of California as determined under the provisions of this code for determining the resident status of a student of a state college for the purposes of state college admission fees and rates of tuition. Wherever such provisions refer to the trustees the reference shall, for the purposes of this section, be deemed to be to the commission, any reference to "the opening day of a semester during which a person proposes to attend a state college" shall be deemed to be the day upon which a person will receive a scholarship as determined by the commission, and any reference to "immediately prior to first entering any California institution of higher learning" shall be deemed to be immediately prior to the day upon which a person will receive a scholarship, as determined by the commission.

(b) He has not attained his 24th birthday. This age limitation does not apply in the case of renewed scholarship awards or for veterans as defined by the commission.

(c) He has graduated from high school or has been accepted for admission by an accredited college.

(d) He has demonstrated his financial need for such scholarship. The financial status of his parents shall be taken into consideration in determining his financial need.

(e) He has demonstrated high moral character, good citizenship, and dedication to American ideals.

(f) He has applied for a state competitive scholarship and has, by competitive examination, been determined to be eligible for such scholarship.

(g) He has complied with all of the rules and regulations adopted by the commission for the award, regulation, and administration of state competitive scholarships adopted pursuant to this chapter (commencing at Section 31201).

(h) He is a citizen of the United States or, if he is under 21 years of age and is not a citizen of the United States either he or his parent or parents were admitted to the United States on a permanent resident visa.

SEC. 2. Section 31212 of the Education Code is amended to read:

31212. The commission shall appoint a director who shall be the chief executive officer for the commission, and shall serve at the pleasure of the commission. The Legislature hereby requests the commission to designate said executive officer as the person holding the position confidential to it, within the meaning of subdivision 5, of Section 4, Article XXIV of the Constitution.

The commission may employ such other employees as it deems necessary to carry out its functions under this chapter (commencing at Section 31201).

CHAPTER 872

An act to amend Sections 9307 and 9316 of the Education Code, relating to textbooks.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9307 of the Education Code is amended to read:

9307. The board shall adopt for use in the elementary schools of the state basic textbooks for use in those subjects of the several elementary school grades in which the board shall determine the need and desirability for a basic textbook or basic textbooks to promote the maximum efficiency of pupil learning, subject to the following provisions:

(a) The board shall adopt a minimum of one basic textbook per grade for the following subjects: (1) English, (2) arithmetic, (3) history and geography, (4) reading, and (5) science.

(b) The board may adopt a list not to exceed two basic textbooks for a given subject of a given grade, except that this number may be increased to three or four if such additional basic textbooks are intended to provide, at a given grade level: (1) for meeting the various learning ability levels of pupils, (2) for meeting the diverse educational needs of pupils with a language disability, or (3) for meeting the diverse educa-

tional needs of pupils caused by a condition of cultural disparity.

(c) Basic textbooks provided by the state to a school district in whatever manner shall not exceed a number necessary to provide each pupil enrolled in each subject with one basic textbook per subject. For the subject of reading, in kindergarten and grades 1 to 3, inclusive, only, where a typical basic textbook program includes more than one basic textbook level, representing progressive levels of learning, one textbook per level may be provided per pupil. The board shall distribute all basic textbooks on the basis of one such textbook for each pupil enrolled in the indicated grade level.

(d) The board shall determine the period for which each basic textbook is adopted pursuant to Section 9313.

SEC. 2. Section 9316 of the Education Code is amended to read:

9316. The governing board of a school district maintaining one or more elementary school grades, in accordance with specific rules adopted by the board, shall:

(a) Select one or more basic textbooks consistent with the procedures and criteria established by the board for those subjects and grades for which a selection process is required or provided. The selection of such basic textbooks shall not exceed a number necessary to provide each pupil enrolled in each subject with one basic textbook per subject, and the titles so selected and the distribution schedule resulting therefrom shall become the basic textbook distribution schedule available to such school district throughout the adopted period prescribed in Section 9313. The governing board shall require that all basic textbooks be used for instructional purposes in the appropriate grades and classes of the school district.

(b) Select from the list of supplementary textbooks tentatively indicated for adoption by the board those textbooks that the governing board may determine to be necessary and desirable for use in the indicated subjects and grades of the school district. Such supplementary textbooks may be selected in any number, without regard to the distribution schedule recommended by the board, except that the total computed costs of the selections shall not exceed the amount of computed textbook credit of the district pursuant to Section 9308. The titles so selected and the distribution schedule resulting therefrom shall become the supplementary textbooks distribution schedule available to such school district throughout the adoption period prescribed in Section 9313.

CHAPTER 873

An act to amend Section 62707.5 of the Agricultural Code, relating to milk pooling.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 62707.5 of the Agricultural Code is amended to read:

62707.5. If a portion of the pool quota of any producer is transferred, it shall carry with it the same quantity of production base, and the producer making a partial transfer of his pool quota shall lose a percentage of his production base equal to the percentage of his pool quota which is so transferred. If a producer transfers his entire production base to one person, his entire pool quota shall also be transferred to the recipient of the production base. If a producer transfers his entire pool quota, his entire production base shall also be transferred to the recipients of the pool quota in a percentage equal to the percentage of pool quota received by each.

All transfers of production base and pool quota shall be recorded by the director in a manner consistent with the purposes of this chapter. Permanent records shall be maintained by the director of all transactions in either production base or pool quota.

Any person who purchases or otherwise acquires a producer's business or a portion of a producer's business prior to the operative date of the pooling plan shall succeed to that same proportion of the producer's production base and pool quota.

CHAPTER 874

An act to add Section 75.9 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 3, 1970. Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 75.9 is added to the Streets and Highways Code, to read:

75.9. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall notify all planning agencies and legislative bodies having responsibility pursuant to Section 65300 of the Government Code for the adoption of the general plan or plans in the area affected by such commission action. Within 90 days after receipt of such notice, all such planning agencies and legislative bodies shall revise the circulation element of their general plans to reflect such commission action.

CHAPTER 875

*An act to add Section 13089 to the Education Code,
relating to employee organizations.*

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13089 is added to the Education Code, to read:

13089. All initial wage proposals of employee organizations representing certificated employees or a negotiating council shall be presented to the public school employer or governing board thereof at a public meeting, and such proposals thereafter shall be a public record.

CHAPTER 876

*An act to add Section 1018.5 to the Education Code,
relating to driver training insurance.*

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1018.5 is added to the Education Code, to read:

1018.5. The governing board of any school district maintaining courses in driver education and automobile driver training shall advise the parents or guardians of pupils of the district participating in automobile driver training courses under the jurisdiction of, or sponsored or controlled by, the school district or the authorities of any school of the school district of the liability of the parents under Sections 17708 and 17709 of the Vehicle Code and shall also inform the parents that the insurance of the school district applies to the liability of the district and may not apply to the liability of the parents or person signing and verifying the application for the pupil's driver's license.

No school district shall in any manner state that the parent or guardian of any such pupil would not be civilly liable for any civil liability of such pupil arising out of his driving in such courses. Each school district shall notify the parent or guardian of each such pupil that while the parent or guardian is civilly liable for any civil liability of such pupil, liability insurance may be available to him.

CHAPTER 877

An act to add Section 25532 to the Education Code, relating to fire protection for junior colleges.

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25532 is added to the Education Code, to read:

25532. The governing board of any district maintaining a junior college may establish and operate a fire department upon any junior college campus governed by it and located wholly outside any city, fire protection district or other local agency which provides fire protection service. No such fire department shall be established until the board has first received approval in writing from the Local Agency Formation Commission for the county in which all or the major portion of such campus is located.

The board of trustees of any district within which the fire department is established pursuant to this section may enter into mutual aid agreements with other governmental agencies providing fire protection, and may contract with owners or occupants of property within the vicinity of the campus on which such department is located for fire protection service, but only during such time as such property is not within the territory of any city, fire protection district or other local agency which provides fire protection service.

Any fire department established pursuant to this section may be continued notwithstanding the subsequent annexation of any portion of the campus on which it is located to any city, fire protection district or other local agency providing fire protection service. As used in this section, the operation of a fire department shall be deemed to include the maintenance and operation of ambulances and rescue and first aid services.

During the time any department is operated pursuant to this section, the board may on behalf of its fire department maintain membership in any local, state or national group or association organized or operated for the promotion or the preservation of life and property from the hazards of fire and panic.

CHAPTER 878*An act to amend Section 23753.3 of the Education Code, relating to state colleges.*

[Approved by Governor September 3, 1970 Filed with
Secretary of State September 3, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 23753.3 of the Education Code is amended to read:

23753.3. Notwithstanding any other provision of law to the contrary, revenues received by the Trustees of the California State Colleges from extension programs, summer session and other self-supporting instructional programs, including but not limited to fees and charges required by the trustees, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Continuing Education Revenue Fund, which fund is hereby created, and which is hereby designated as successor to the State College Extension Program Revenue Fund.

All such revenues are hereby appropriated, without regard to fiscal years, to the trustees for the support and development of self-supporting instructional programs of the California State Colleges; provided, nevertheless, that proposed expenditures or obligations to be incurred during any fiscal year from the State College Continuing Education Revenue Fund shall be contained in the budget submitted for that fiscal year by the Governor pursuant to Section 12 of Article IV of the Constitution, and shall be subject to the provisions of Article 2 (commencing with Section 13320) of Chapter 3, Part 3, Division 3, Title 2, of the Government Code.

Moneys in the State College Continuing Education Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer and shall be deposited in the State Treasury to the credit of the State College Continuing Education Revenue Fund.

SEC. 2. This act shall become operative on May 1, 1971.

CHAPTER 879

An act to amend Section 22700 of the Education Code, relating to the Coordinating Council for Higher Education.

[Approved by Governor September 4, 1970. Filed with
Secretary of State September 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22700 of the Education Code is amended to read:

22700. There is hereby created an advisory body, the Coordinating Council for Higher Education, to be composed of one representative each of the University of California, the

California State Colleges, the public junior colleges, the private colleges and universities in the state, one nonvoting ex officio member of the State Board of Education, and six representatives of the general public. The university shall be represented by a person appointed by the regents. The California State Colleges shall be represented by a person appointed by the trustees. The public junior colleges shall be represented by a person appointed by the Board of Governors of the California Community Colleges. The private colleges and universities shall be represented by a person appointed by the Governor after consideration of a list or lists of not less than three persons submitted to him by an association or associations of such institutions and subject to confirmation by the Senate. The State Board of Education shall be represented by a board member appointed by the president of the board. The general public shall be represented by six members appointed by the Governor subject to confirmation by the Senate. The terms of the appointments made pursuant to this section shall be as follows:

(a) The representative appointed by the regents shall serve a one-year term.

(b) The representative appointed by the trustees shall serve a one-year term.

(c) The representative appointed by the Board of Governors of the California Community Colleges shall serve a one-year term.

(d) The representative appointed by the president of the State Board of Education shall serve a one-year term.

(e) The term of office of all of the other members of the council appointed pursuant to this section is four years, and they shall hold office until the appointment of their successors.

(f) Any person appointed pursuant to this section may be reappointed to serve additional terms.

No appointing authority specified in this section shall appoint any person to alternate membership on the council with the following exceptions who shall be appointed by the appropriate appointing authority: one alternate each for the representative of the regents, the trustees, and the Board of Governors of the California Community Colleges. Each alternate shall be appointed for an annual term.

No person appointed pursuant to this section shall, with respect to any matter before the council, vote for or on behalf of, or in any way exercise the vote of, any other member of the council.

CHAPTER 880

An act to add Section 895.12 to the Education Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 4, 1970. Filed with Secretary of State September 4, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 895.12 is added to the Education Code, to read:

895.12. Notwithstanding any other provisions of this code, any school district having an average daily attendance of 400,000 or more, as shown by the annual report of the county superintendent of schools for the preceding year, may contract with a county superintendent of schools or with another school district, pursuant to Section 1062, for the education of physically handicapped minors, mentally retarded minors, or educationally handicapped minors of any contracting party. Any such contract shall require the district whose pupils are receiving educational services thereunder to pay all costs of such educational services which are in excess of the amounts which may be received by the party providing the educational services, apportioned from the State School Fund for the average daily attendance of such pupils. Whenever a county superintendent of schools is a party to such a contract, no tax shall be levied to defray the costs of educational services under the contract by any party other than the school district whose pupils are receiving such educational services.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts may perform necessary functions of planning and budgeting for the 1970-1971 school year, it is necessary that this act take effect immediately.

CHAPTER 881

An act to amend Section 555 of, and to add Section 263.9 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 263.9 is added to the Streets and Highways Code, to read:

263.9. The state scenic highway system shall also include Route 254, the Avenue of the Giants.

SEC. 2. Section 555 of the Streets and Highways Code is amended to read:

555. Route 255 is from Route 101 in Eureka to Route 101 near Arcata via the Humboldt Bay Bridge and the Samoa Peninsula.

CHAPTER 882

An act to amend Section 4181 of the Fish and Game Code, relating to depredators.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4181 of the Fish and Game Code is amended to read:

4181. Any owner or tenant of land or property that is being damaged or destroyed or is in danger or being damaged or destroyed by elk, bear, beaver, wild boar, or gray squirrels, may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. No iron or steel-jawed or any type of metal-jawed trap shall be used to take any bear pursuant to this section. No poison of any type may be used to take any gray squirrel pursuant to this section. The department shall designate the type of trap to be used to insure the most humane method is used to trap gray squirrels. The department may require trapped squirrels to be released in parks or other non-agricultural areas. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

CHAPTER 883

An act relating to the Folsom Lake Bridge Authority, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The sum of four thousand seven hundred dollars and forty-one cents (\$4,700.41) is hereby appropriated from the General Fund in the State Treasury for payment by

the State Controller to the authority for the support of the Folsom Lake Bridge Authority during the 1969-1970 and 1970-1971 fiscal years. This appropriation shall be repaid from the proceeds of the first sale of bonds of the authority with interest at that rate which is equal to the average of net interest costs to the state, as determined by the State Controller, on the sales of general obligation bonds of the state which occurred during the calendar year immediately preceding the year in which repayment occurs.

SEC. 2. The appropriation in Section 1 represents the amount of the appropriation made to the authority by Chapter 1448 of the Statutes of 1968 which remains unexpended.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that the Folsom Lake Bridge Authority may continue, during the 1969-1970 and 1970-1971 fiscal years, necessary studies on the construction of a bridge across the North Fork of the American River in Placer and El Dorado Counties, it is necessary that this act take effect immediately.

CHAPTER 884

An act to add Section 3367 to the Labor Code, relating to workmen's compensation.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3367 is added to the Labor Code, to read:

3367. For purposes of this division any person voluntarily rendering technical assistance to a public entity to prevent a fire, explosion or other hazardous occurrences, at the request of a duly authorized fire or law enforcement officer of that public entity is deemed an employee of the public entity to whom the technical assistance was rendered, and is entitled to receive compensation benefits in accordance with the provisions of this division. Rendering technical assistance shall include the time such person is traveling to, or returning from, the location of the potentially hazardous condition for which he has been requested to volunteer his assistance.

CHAPTER 885

An act to add Sections 2768, 2769, 2770, and 2771 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2768 is added to the Revenue and Taxation Code, to read:

2768. Notwithstanding the provisions of Sections 2756, 2759 and 2763, the board of supervisors of any county which has adopted a resolution pursuant to this chapter may by resolution provide that taxes on the secured roll are due and payable October 1st, and the first installment shall be delinquent on October 25th at 5 p.m. Thereafter, a delinquent penalty of 6 percent attaches to such installment. If October 25th falls on a Saturday, Sunday or legal holiday, the time of delinquency is at 5 p.m. on the next business day.

A resolution adopted pursuant to this section shall provide that the auditor shall have to and including October 1st in which to deliver the secured roll to the tax collector as required by Section 2754.

SEC. 2. Section 2769 is added to the Revenue and Taxation Code, to read:

2769. The tax collector shall include on or with the secured property tax bill a notice stating in substance that under the four-payment plan of paying taxes, deductions on state and federal income tax returns for property tax payments may be decreased by 25 percent for the current year. The notice shall also state in substance that if the assessee is on a fiscal year or an accrual basis for state or federal income tax purposes the assessee should examine the effect that the four-pay plan will have with respect to the assessee's tax liability.

SEC. 3. Section 2770 is added to the Revenue and Taxation Code, to read:

2770. When the tax collector sends a tax bill to any person respecting property which has been assessed to another and who has the power, pursuant to written or oral authorization, to pay the taxes on behalf of another, the tax collector shall send to the assessee an information copy of the tax bill, except, that the copy shall state plainly that the copy is not a bill and that the original bill has been sent to another person for payment.

The information copy of the tax bill shall contain the notice required by Section 2769 and state in substance that the assessee may make the demand authorized by Section 2771.

SEC. 4. Section 2771 is added to the Revenue and Taxation Code, to read:

2771. Any person who receives a tax bill respecting property which has been assessed to another and who has power to

pay the taxes on behalf of another shall pay the second installment taxes on or before December 31 if notified in writing by the assessee of the property by December 1 provided there are sufficient impounded funds available at the time for payment of the second installment.

CHAPTER 886

An act to amend Section 22651 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 22651 of the Vehicle Code is amended to read:

22651. Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located, or any regularly employed and salaried officer of the University of California Police Department on a campus or in or about other grounds or properties owned, operated, controlled, or administered by the Regents of the University of California on or in which a vehicle is located, may remove a vehicle from a highway under the following circumstances:

(a) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When any vehicle is left standing upon a highway in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic upon the highway.

(c) When any vehicle is found upon a highway and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled.

(d) When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway.

(e) When any vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway.

(f) When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade.

(g) When the person or persons in charge of a vehicle upon a highway are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.

(h) When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take and does take the person arrested before a magistrate without unnecessary delay.

(i) When any vehicle registered in a foreign jurisdiction is found upon a highway and it is known to have been issued five or more notices of parking violation over a period of five or more days, to which the owner or person in control of the vehicle has failed to respond, the vehicle may be impounded until such person furnishes to the impounding police agency evidence of his identity and an address within this state at which he can be located. A notice of a parking violation issued to such vehicle shall be accompanied by a warning that repeated violations may result in the vehicle being impounded.

(j) When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding police agency evidence of his identity and an address within this state at which he can be located.

CHAPTER 887

An act to add Sections 4150.2 and 9268 to the Vehicle Code, relating to motorcycles.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 4150.2 is added to the Vehicle Code, to read:

4150.2. Application for the original registration of a motorcycle shall be made by the owner to the department upon the appropriate form furnished by it, and shall contain:

(a) The true full name and business or residence address of the owner, and the legal owner, if any.

(b) The name of the county in which the owner resides.

(c) A description of the motorcycle, including the following data insofar as it may exist:

(1) The make, model, and type of body.

(2) The number of cylinders.

(3) The motor and frame numbers recorded exactly as stamped on the engine and frame, respectively, by the manufacturer, and any other identifying number of the motorcycle as may be required by the department.

(4) The date first sold by a manufacturer or dealer to a consumer.

(d) Such information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

(e) The department shall maintain a cross-index file of motor and frame numbers registered with it.

The application shall be accompanied by a tracing of the motor number.

SEC. 2. Section 9268 is added to the Vehicle Code, to read: 9268. In addition to any other registration fee and notwithstanding Section 9559, an additional fee of one dollar (\$1) shall be collected upon the original registration of a motor-cycle pursuant to Section 4150.2.

SEC. 3. This act shall become operative on January 1, 1972.

CHAPTER 888

An act to amend Section 6730.1 of, and to add Section 6732.2 to, the Business and Professions Code, relating to professional engineers.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6730.1 of the Business and Professions Code is amended to read:

6730.1. Any person registered prior to June 30, 1969, or any person who has been granted permission to use the title "consulting engineer" prior to June 30, 1969, who submits proof satisfactory to the board that he has practiced for five years as a mechanical or electrical engineer, either self-employed or as an employee of an employer receiving wages or salary, shall be permitted to be registered in one or both of these branches, if he files application with the board before June 30, 1971.

A person who has been granted permission to use the title "consulting engineer" as provided in Section 6732.1 shall have complied with this section upon submitting proof that he has, since receiving such permission, continued in that practice of mechanical or electrical engineering or both.

SEC. 2. Section 6732.2 is added to the Business and Professions Code, to read:

6732.2. Any person who possesses a valid certificate to practice photogrammetry issued to him under the provisions of Chapter 15 (commencing with Section 8700) of this division may apply for, and be issued, a certificate of authority to use the title "consulting engineer," if all of the following requirements are satisfied:

(a) Application is made on a form provided by the board and is accompanied by the fees prescribed in Section 8805.

(b) Information submitted evidences to the satisfaction of the board that the applicant has had five years of independent control in furnishing consulting photogrammetric, geodetic, or topographic surveying services or consulting surveying services in connection with fixed works as defined in Section 6731.

Authority to use the title "consulting engineer" granted under this section does not affect authorizations made under the several provisions provided in Section 6732.1.

Authority to use the title "consulting engineer" granted under this section shall remain valid only while its holder's basic license is valid, and if it lapses it may be renewed only as provided in Article 7 (commencing with Section 6795).

The provisions of Article 5 (commencing with Section 6775), Article 6 (commencing with Section 6785), and Article 7 (commencing with Section 6795), of this chapter, shall apply to the certificates issued as provided in this section and to the persons so certificated.

CHAPTER 889

An act to amend Section 637 of the Unemployment Insurance Code, relating to excluded services.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 637 of the Unemployment Insurance Code is amended to read:

637. "Employment" does not include service performed:

(a) By a director of a corporation or association in his capacity as such in attending meetings of the board of directors.

(b) By the officers and directors of a corporation who are the sole shareholders of the corporation and it is not subject to the Federal Unemployment Tax Act.

SEC. 2. The amendment to Section 637 of the Unemployment Insurance Code made by this act shall become operative with respect to remuneration paid on or after the first day of the first complete calendar quarter commencing on or after the effective date of this act. The provisions of Section 637 as it existed prior to the amendment made by this act shall remain applicable to wages paid prior to such first day.

CHAPTER 890

An act to add Section 12031.5 to the Penal Code, relating to the carrying of firearms, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12031.5 is added to the Penal Code, to read:

12031.5. In addition to the exceptions contained in subdivision (b) of Section 12031, uniformed employees of private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, shall be excepted from the prohibitions of subdivision (a) of Section 12031, while acting within the course and scope of their employment as private investigators or private patrolmen.

SEC. 2. This act is an urgency statute, necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order for employees of private investigators, private patrol operators, and operators of a private patrol service to carry out their duties which at times place them in need of firearms for self-protection and the protection of others, it is necessary that this act go into effect immediately.

CHAPTER 891

An act to repeal Title 7.1 (commencing with Section 66500) of, and to add Title 7.1 (commencing with Section 66500) to, the Government Code, relating to the Metropolitan Transportation Commission.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Title 7.1 (commencing with Section 66500) of the Government Code is repealed.

SEC. 2. Title 7.1 (commencing with Section 66500) is added to the Government Code, to read:

**TITLE 7.1. METROPOLITAN TRANSPORTATION
COMMISSION**

66500. This title shall be known as the Metropolitan Transportation Commission Act.

66502. There is hereby created the Metropolitan Transportation Commission to provide comprehensive regional transportation planning for the region comprised of the City and County of San Francisco and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma.

As used in this title, "region" means the region described in this section.

66503. The commission shall consist of 19 members as follows:

(a) Two members each from the City and County of San Francisco and the Counties of Alameda, Contra Costa, San Mateo, and Santa Clara. With respect to the members from San Francisco, the mayor shall appoint one member and the board of supervisors shall appoint one member. With respect to the members from Alameda, Contra Costa, San Mateo, and Santa Clara Counties, the mayors' selection committee of each county shall appoint one member and the board of supervisors shall appoint one member.

(b) One member each from Marin, Napa, Solano, and Sonoma Counties. The mayors' selection committee of these counties shall furnish to the board of supervisors the names of three nominees and the board of supervisors shall appoint one of the nominees to represent the county.

(c) One representative each appointed by the Association of Bay Area Governments and the San Francisco Bay Conservation and Development Commission.

(d) One representative, who shall be a nonvoting member, appointed by the Secretary for Business and Transportation.

(e) One representative each appointed by the United States Department of Transportation and Department of Housing and Urban Development, provided such representatives shall serve only if the agencies they represent are amenable to such appointments. These representatives shall be nonvoting members.

Public officers, whether elected or appointed, may be appointed and serve as members of the commission during their terms of public office.

66504. The term of office of the members of the commission is four years. The basis for selection of the members shall be their special familiarity with the problems and issues in the field of transportation.

66505. The commission shall appoint an executive director who shall have charge of administering the affairs of the commission, subject to the direction and policies of the commission.

The executive director shall, subject to the approval of the commission, appoint such employees as may be necessary to carry out the functions of the commission.

66506. The commission may:

(a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.

(b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.

(c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be per-

formed by its officers and employees or by other federal, state, or local governmental agencies.

(d) Do any and all other things necessary to carry out the purposes of this title.

66507. The commission shall assume the planning and related responsibilities of the Bay Area Transportation Study Commission and its interim successor, the Regional Transportation Planning Committee. The files and planning data of the two organizations shall be transferred to the commission.

66508. The commission shall adopt, by June 30, 1973, a regional transportation plan for the region. Prior to the adoption of such a plan, the operation, construction, and modification of those transportation systems under the purview of the commission may be undertaken without the approval of the commission.

66509. In developing the regional transportation plan, the commission shall consider:

(a) The plan recommended by the Bay Area Transportation Study Commission, with such modifications recommended by the Regional Transportation Planning Committee.

(b) The ecological, economic, and social impact of existing and future regional transportation systems upon various facets of the region, including, but not limited to, housing, employment, recreation, environment, land-use policies, and the economically disadvantaged.

(c) The regional plans prepared and adopted by organizations concerned with policies and programs designed to meet the near- and long-term planning needs of the region. Such consideration by the commission shall include, but not be limited to, plans prepared and adopted by the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, and the State Office of Planning.

66510. The regional transportation plan shall include, but not be limited to, the following segments of the regional transportation system:

(a) The national system of interstate and defense highways, the California freeway and expressway system, and other highways within the state highway system.

(b) The transbay bridges.

(c) Mass transit systems.

The commission shall pay particular attention to the interfacing of the various modes of transportation.

66511. The regional transportation plan shall also include an estimate of the regional transportation needs during the ensuing 10 years and a schedule of priorities for the construction, modification, and maintenance of various segments of the regional transportation system on a project basis to meet such needs.

66512. In addition, the regional transportation plan shall include a financial plan for the regional transportation system. The financial plan shall include a proposal for each segment of

the system, including the amount and sources of revenues necessary to construct and operate that segment.

In developing the financial plan, the commission shall consider various sources of revenues, without regard to any constraints imposed by law on expenditures from such sources, necessary to assure adequate financing of the system and, if necessary, recommend appropriate legislation to the Legislature to secure such financing.

66513. The regional transportation plan shall be subjected to continuous review by the commission, with revisions prepared as the need may arise. Revisions to the plan shall be adopted annually by the commission.

66514. The construction of any transbay bridge in the region shall not be commenced without the approval of the commission. This section shall not apply to (a) modifications of existing bridges, except modifications which provide for the construction of additional lanes of traffic on existing bridges or for the construction of rapid transit facilities on existing bridges, or (b) new bridges where, after 1965 but prior to the effective date of this section, the Legislature has provided funds for preliminary work leading to the issuance of revenue bonds under the provisions of the California Toll Bridge Authority Act for the construction thereof.

66515. No public multicounty transit system using an exclusive right-of-way which is proposed to be constructed within the region on or after the effective date of this section shall be constructed or operated without the approval of the commission.

66516. Notwithstanding any other provision of this title, the San Francisco Bay Area Rapid Transit District may plan, acquire, construct, and operate any and all works, structures, properties, rolling stocks, or other facilities of any kind which the district is authorized, prior to the adoption of the regional transportation plan required by Section 66508, to acquire, construct, or operate.

66517. The commission shall render all available assistance to transit systems operated within the region by any city or public agency to ensure adequate feeder service to public multicounty transit systems.

66518. When allocating funds for construction on the state highway system within the region, the California Highway Commission shall conform to the regional transportation plan and the schedule of priorities for such construction included therein. The California Highway Commission, however, may deviate from the regional transportation plan and the schedule of priorities established for construction on the interstate system and the state highway system within the region because of an overriding statewide interest.

66519. The commission shall study the role of harbors and airports within the region as they relate to surface transportation, and shall determine by June 30, 1973, their function

in the regional transportation system as they relate to surface transportation.

The commission shall submit its findings and recommendations in a report to the Legislature by the fifth calendar day of the 1974 Regular Session of the Legislature.

66520. Any application to the federal or state government for any grant of money, whether an outright or a matching grant, by any county, city and county, city, or transportation district within the region shall, if it contains a transportation element, first be submitted to the commission for review as to its compatibility with the regional transportation plan. The commission shall approve and forward only those applications that are compatible with the plan.

Review by the commission, however, is not required where revenues derived from the Motor Vehicle Fuel License Tax Law are subvented to local governmental entities in accordance with statutory provisions.

66521. (a) It is the intention of the Legislature that the federal government, the state, and local agencies in the region will participate in support of the commission. The Legislature further intends that financial support of the activities of the commission will be made available from federal, state, and local sources which would normally be available for transportation and general planning purposes in the region.

(b) The commission and the Business and Transportation Agency shall negotiate contracts or agreements whereby federal-aid highway funds available for planning, and the necessary state matching funds from the State Highway Fund, may be made available for support of the activities of the commission insofar as they relate to highway, road, and street planning for the region.

(c) The commission shall also negotiate, either directly or through the State Office of Planning or other appropriate agency, with the United States Department of Housing and Urban Development for grants or contributions of federal funds which may be available to support the study and planning activities of the commission.

(d) The commission shall negotiate equitable agreements with the City and County of San Francisco, and other counties and cities within the region, the Association of Bay Area Governments, the San Francisco Bay Area Rapid Transit District, the Alameda-Contra Costa Transit District, and the Golden Gate Bridge and Highway District for the contribution of funds or services for the general support of the activities of the commission and for such required matching of federal funds as may be made available. Any county, city and county, or city may use its apportionments from the Motor Vehicle License Fee Fund for these purposes.

66522. The commission shall merge with or otherwise join any multifunctional regional government organization, if it has transportation planning responsibilities, within one year of the creation of such an organization.

CHAPTER 892

An act to amend Section 13143 of the Health and Safety Code, relating to safety.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13143 of the Health and Safety Code is amended to read:

13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any theater, dancehall, skating rink, auditorium, assembly hall, meeting hall, nightclub, fair building, or similar place of assemblage where 50 or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education, and in any building or structure which is open to the public and is used or intended to be used for the showing of motion pictures when an admission fee is charged and when such building or structure has a capacity of 10 or more persons. Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any regulation shall be deemed to be in violation of this chapter.

In preparing and adopting regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Department of General Services under Article 4 (commencing with Section 15451) of Chapter 2 of Division 11 of the Education Code.

Any building, room, or structure which is used for the purpose of deliberation, worship, drinking or dining, or awaiting transportation, and is in existence on the effective date of the

amendments to this section enacted at the 1967 Regular Session of the Legislature, shall be exempt from compliance with the rules and regulations of the State Fire Marshal adopted pursuant to this section until five years after the effective date of such amendments.

CHAPTER 893

An act to add Section 19559.6 to the Education Code, relating to school building aid.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19559.6 is added to the Education Code, to read:

19559.6. Notwithstanding any other provisions of this chapter, the board may grant priority in the apportioning of funds to school districts to those districts which have sold facilities replaced under a previous application and have applied the proceeds therefrom in reduction of prior apportionments to the district. Apportionments so made shall not be in excess of the amount of the proceeds which were applied to prior apportionments subsequent to July 1, 1970 and shall be made only for projects which were approved by the board prior to July 1, 1970.

CHAPTER 894

An act to amend Section 16550 of the Vehicle Code, relating to transporters of motor vehicles.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16550 of the Vehicle Code is amended to read:

16550. Every transporter of vehicles shall, except as to operations subject to regulation by the Public Utilities Commission, maintain ability to respond in damages resulting from the operation of his business and arising by reason of personal injury to, or death of, any one person, of at least fifteen thousand dollars (\$15,000), and, subject to the limit of fifteen thousand dollars (\$15,000) for each person injured or killed, of at least thirty thousand dollars (\$30,000) for such injury to, or the death of, two or more persons in any one accident, and for damages to property of at least five thousand dollars (\$5,000) resulting from any one accident. Ability to respond in damages may be maintained by either:

(a) Being insured under a motor vehicle liability policy against such liability.

(b) Obtaining a bond of the same kind, and containing the same provisions, as those bonds specified in Section 16434.

(c) By depositing with the department thirty-five thousand dollars (\$35,000), which amount shall be deposited in a special deposit account with the State Controller for the purpose of this section.

(d) Qualifying every 12 months as a self-insurer under Section 16056. The department may permit qualification for periods in excess of 12 months if it determines that the protection of persons benefited by such ability to respond in damages is not impaired.

The department shall return the deposit to the person entitled thereto when he is no longer required to maintain ability to respond in damages as required by this section or upon his death.

CHAPTER 895

An act to add Section 256.1 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 256.1 is added to the Streets and Highways Code, to read:

256.1. Prior to submitting a written report required by statute recommending to the Legislature the deletion of a highway, or a portion thereof, from the state highway system, the commission or the department shall hold a public hearing on, and shall give written notices to the legislative bodies of the cities and counties located in the affected area of, the proposed recommendation, and shall publish notice of the public hearing in a newspaper of general circulation in the areas affected by the proposed deletion. The public hearing shall be held in the state highway district, as defined by Section 188.8, within which is located the major portion of the highway that is proposed to be deleted.

CHAPTER 896

An act to amend Sections 7811, 7813, 7814, 7817, 7821, 7841, 7842, 7845, 7849, 7852, 7880, 7881, 7884, and 7887 of, and to add Section 7850.5 to, the Business and Professions Code, relating to geologists.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7811 of the Business and Professions Code is amended to read:

7811. Each member of the board shall be a citizen of the United States, shall be at least 30 years of age, and shall have been a resident of this state for at least five years immediately preceding his appointment. Each of the first appointed geologist members of the board shall have at least 12 years' active experience and shall be a qualified geologist; each subsequent geologist member of the board shall be a geologist registered under this chapter. The initial board shall include not less than two engineering geologists and two petroleum geologists, as determined by the Governor.

SEC. 2. Section 7813 of the Business and Professions Code is amended to read:

7813. The six geologist members of the board shall be appointed by administrative districts as follows:

(a) One member from each of Administrative Districts 1, 2, 3 and 4.

(b) Two members from Administrative District 5.

As each geologist member's term expires, his place shall be filled by the appointment of a registered geologist whose principal office for the practice of geology is in the same administrative district as the person in the expiring term.

The public member of the board may reside anywhere in the state.

SEC. 3. Section 7814 of the Business and Professions Code is amended to read:

7814. The terms of the members of the board first appointed shall expire as follows: two members, January 1, 1970; two members, January 1, 1971; and three members, January 1, 1972. Thereafter, except as provided in Section 130 of this code, appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than two consecutive terms.

SEC. 4. Section 7817 of the Business and Professions Code is amended to read:

7817. Four members of the board shall constitute a quorum for the transaction of business.

SEC. 5. Section 7821 of the Business and Professions Code is amended to read:

7821. The board shall prepare annually a list of the names and addresses of every person who is registered by it and a list of every person whose registration has been suspended or revoked within the previous year. If requested by a county

clerk, such lists shall be mailed to him and shall be held by him as a public record.

SEC. 6. Section 7841 of the Business and Professions Code is amended to read:

7841. An applicant for registration as a geologist shall have all the following qualifications:

(a) Be of good moral character.

(b) Meet one of the following educational requirements fulfilled at a school or university whose geological curricula meet criteria established by rules of the board:

(1) Graduation with a major in geology.

(2) Completion of 30 semester units in geological science courses leading to a major in geology, of which at least 24 units are in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geological work which shall include either a minimum of three years of professional geological work under the supervision of a registered geologist or a registered civil or petroleum engineer, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is under the supervision of a qualified geologist or a registered civil or petroleum engineer, or a minimum of five years' experience in responsible charge of geological work.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four years towards meeting the requirement for at least seven years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination.

SEC. 7. Section 7842 of the Business and Professions Code is amended to read:

7842. An applicant for certification in a specialty shall meet all of the requirements of Section 7841 and, in addition, his seven years of professional geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist certified in the specialty for which he is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking certification as a petroleum geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a registered civil engineer if the applicant is seeking certification as an engineering geologist or under the supervision of a registered petroleum engineer if the applicant is seeking certification as a petroleum geologist.

(b) A minimum of five years' experience in responsible charge of geological work in the specialty for which the applicant is seeking certification.

SEC. 8. Section 7845 of the Business and Professions Code is amended to read:

7845. Examinations shall test the applicant's knowledge of geology and of any established specialty for which he applies and his ability to apply that knowledge and to assume responsible charge in the professional practice of geology or a certified specialty geology, or both geology and a certified specialty geology.

SEC. 9. Section 7849 of the Business and Professions Code is amended to read:

7849. In determining the qualifications of an applicant for registration, certification, or temporary authorization, a majority vote of the board is required.

SEC. 10. Section 7850.5 is added to the Business and Professions Code, to read:

7850.5. An applicant who has passed the examination for a certified specialty geologist and has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter shall have a certificate issued to him as a certified specialty geologist.

A certificate of certified specialty geologist shall be signed by the president and secretary and issued under the seal of the board.

SEC. 11. Section 7852 of the Business and Professions Code is amended to read:

7852. (a) Each geologist registered under this chapter may, upon registration, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate, and the legend "registered geologist."

(b) Each specialty geologist certified under this chapter may, upon certification, obtain a seal of the design authorized by the board bearing the registrant's name, number of his certificate and the legend "certified specialty geologist."

SEC. 12. Section 7880 of the Business and Professions Code is amended to read:

7880. A certificate of registration as a geologist or as a specialty geologist expires at 12 p.m. on June 30 of each even-numbered year, if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before June 30, of each even-numbered year, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 13. Section 7881 of the Business and Professions Code is amended to read:

7881. Except as otherwise provided in this article, certificates of registration as a geologist, or certified specialty certificates, may be renewed at any time within five years after expiration on filing an application for renewal on a form prescribed by the board and payment of the renewal fee in effect on the last preceding regular renewal date. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 7880 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

SEC. 14. Section 7884 of the Business and Professions Code is amended to read:

7884. Certificates of registration as a geologist or certified specialty certificates which are not renewed within five years after expiration may not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) He is of good moral character.

(b) No fact, circumstance, or condition exists which, if the certificate were issued, would justify its revocation or suspension.

(c) He takes and passes the examination, if any, which would be required of him if he were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to the provisions of this section.

SEC. 15. Section 7887 of the Business and Professions Code is amended to read:

7887. The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for registration as a geologist at not more than forty dollars (\$40).

(b) The registration fee for geologist and the fee for the certification in a specialty shall be fixed at an amount equal to

the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates which will expire less than one year after issuance, the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee at not more than three dollars (\$3).

(d) The temporary registration fee for geologist at not more than forty dollars (\$40).

(e) The renewal fee for a geologist shall be fixed by the board at not more than eighty dollars (\$80).

(f) The renewal fee for a specialty geologist at not more than ten dollars (\$10).

(g) The delinquency fee for a certificate is an amount equal to the renewal fee in effect on the date of its expiration.

SEC. 16. Section 7814 of the Business and Professions Code is amended to read:

7814. The terms of the members of the board first appointed shall expire as follows: two members, January 1, 1970; two members, January 1, 1971; and three members, January 1, 1972. Thereafter, except as provided in Section 130 of this code, appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor or until one year shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs. Vacancies occurring prior to the expiration of the term shall be filled by appointment for the unexpired term.

No person shall serve as a member of the board for more than two consecutive terms.

The Governor shall appoint the additional public member provided for by the Governor's Reorganization Plan No. 2 submitted to the Legislature at the 1970 Regular Session to fill the vacancy created by the expiration of the term of office of the geologist member from Administrative District No. 5 whose term expires January 1, 1971. The first appointment shall be for a term expiring June 1, 1974. Each appointment thereafter shall be for a four-year term expiring June 1 of the fourth year following the year in which the previous term expired.

SEC. 17. If this bill is enacted and the Governor's Reorganization Plan No. 2 of the 1970 Regular Session becomes effective, Section 7814 of the Business and Professions Code, as amended by Section 16 of this bill, shall supersede the Governor's Reorganization Plan No. 2, and Section 3 of this bill shall not be operative.

SEC. 18. Section 2 of this act shall not become operative if the Governor's Reorganization Plan No. 2 of the 1970 Regular Session becomes effective.

SEC. 19. Notwithstanding Section 9605 of the Government Code, if this bill and Assembly Bill No. 418 of the 1970 Regular Session are both enacted, Section 7821 of the Business and Professions Code as amended by this bill is repealed whether Assembly Bill No. 418 is enacted prior or subsequent to this bill.

CHAPTER 897

An act to add Sections 34285, 34331, and 34332 to the Health and Safety Code, relating to housing.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 34285 is added to the Health and Safety Code, to read:

34285. (a) The governing body of a city or county may call upon the residents in a housing project to form a project committee comprised of persons who for at least six months have been residents in the project, and which is considered representative by the governing body. The members of the committee shall serve without compensation.

(b) The authority, through its staff, shall upon the direction and approval of the governing body consult with and obtain the advice of the project committee concerning matters which affect the residents of the project. The provisions of this subdivision shall apply for a one-year period after the formation of the project committee, subject to one-year extensions by the governing body.

(c) Minutes of all the meetings of the authority with the project committee, which meetings shall be open and public, together with a record of all the information presented to the project committee by the authority or by the project committee for the authority for the purpose of carrying out the provisions of this section, shall be maintained by the authority. Such minutes and records shall be open to public inspection and a summary of such records shall be included in a report to the governing body submitted by the authority.

SEC. 2. Section 34331 is added to the Health and Safety Code, to read:

34331. In the operation or management of housing projects an authority shall not do any of the following:

(a) Evict any tenant without reasonable cause and unless the tenant has been given a specific reason or a summation of the reasons for an eviction at a private interview involving only the tenant and authority personnel whose services are necessary in connection with the purposes of the interview.

(b) Directly or indirectly subject any tenant to any punitive action of any kind because of his membership or activity in any tenant organization.

(c) Require that a tenant, in a lease or rental agreement, waive his rights under Section 1942 of the Civil Code, or any other rights as a tenant he might have under California or federal law.

(d) Disclaim liability for injury as a result of its negligence or failure to repair, in any rental agreement or lease.

(e) Terminate or refuse to renew a lease because a tenant has complained to any governmental authority of a bona fide violation of any applicable building code, health ordinance, or similar regulation or has attempted lawfully to redress his grievances against the authority.

SEC. 3. Section 34332 is added to the Health and Safety Code, to read:

34332. An authority shall do all of the following:

(a) Expressly covenant in all of its leases and rental agreements to repair the premises to comply with all building ordinances effective at the time of construction of the unit being leased or rented.

(b) Within the projects post notice that a copy of all its leasing and occupancy policies, regulations and procedures is at each housing project office for inspection during regular business hours.

(c) Make available public documents and records of the authority for inspection, except any applications for eligibility and occupancy which are submitted by prospective or current tenants of the authority.

(d) Make an inspection of the premises before a tenant moves in and allow the tenant or prospective tenant the opportunity to examine the record of inspection.

CHAPTER 898

An act to amend Section 7450 of the Education Code, relating to vocational education.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7450 of the Education Code is amended to read:

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school or enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the state and national interests in providing vocational and tech-

nical education to prepare students for an increasingly technological society in which generalized training and skills are insufficient to prepare high school students and graduates, and out-of-school youth and adults for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting changing training needs as they arise.

It is recognized by the Legislature that vocational programs may achieve great flexibility of planning, scope and operation by the conduct of such programs in a variety of physical facilities at various training locations.

It is the further intent of the Legislature that regional occupational centers and programs provide vocational and occupational instruction related to the attainment of skills so that trainees are prepared for gainful employment in the area for which training was provided, or are upgraded so they have the higher level skills required because of new and changing technologies or so that they are prepared for enrollment in more advanced training programs.

CHAPTER 899

An act to amend Section 10311 of the Streets and Highways Code, relating to special assessment improvement districts.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10311 of the Streets and Highways Code is amended to read:

10311. If the protest is against the proposed improvement and the legislative body finds that the protest is made by the owners of more than one-half of the area of the land to be assessed for the improvements, and protests are not withdrawn so as to reduce the protests to less than a majority, no further proceedings shall be taken for a period of one year from the date of the decision of the legislative body on the hearing, unless the protests are overruled by an affirmative vote of four-fifths of the members of the legislative body. Any person making a protest may withdraw the protest, in writing, at any time prior to the conclusion of the protest hearing. The legislative body may confirm, modify, or correct the proposed assessment.

CHAPTER 900

*An act to add Section 6546.1 to the Government Code,
relating to revenue bonds.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6546.1 is added to the Government Code, to read:

6546.1. In addition to other powers, any agency, commission or board provided for by joint powers agreement pursuant to Article 1 and created in a county of the second class as determined by Section 28020 of this code may, by ordinance, authorize the issuance of revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project constituting a public airport and all facilities and improvements relating thereto.

The provisions of this section shall be effective until December 31, 1972 and after that date this section shall have no force or effect.

CHAPTER 901

*An act to add Section 85.3 to the Harbors and Navigation
Code, relating to harbors and navigation.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 85.3 is added to the Harbors and Navigation Code, to read:

85.3. There is hereby appropriated from the Harbors and Watercraft Revolving Fund for the fiscal year 1970-1971 a sum not to exceed one hundred fifty thousand dollars (\$150,000) to the department for expenditure for contract authority for the purposes of establishing economic justification, making financial and engineering feasibility determinations, and preparing such plans and cost estimates as may be necessary to justify budget proposals or appropriation expenditures, for any projects pursuant to Division 1 of this code. The department may expend such moneys for such purposes in subsequent fiscal years as may be appropriated by the Legislature. Nothing herein shall obligate the department to propose or continue a project for funding if such justifications cannot be shown to the satisfaction of the department. Any moneys expended by the department for contract authority under this section with respect to a project for which a loan is authorized pursuant to Section 71.4 shall be added to the principal of any such loan.

CHAPTER 902

An act to amend Section 13320 of, and to add Division 7.5 (commencing with Section 14000) to, the Water Code, relating to liquid waste, and making an appropriation therefor.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13320 of the Water Code is amended to read:

13320. (a) Upon petition by any aggrieved person or upon its own motion, the state board may at any time review any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, Chapter 7, (commencing with Section 13500) of this division, or Division 7.5 (commencing with Section 14000).

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 1.5. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225 Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, Chapter 7 (commencing with Section 13500) of this division, or Division 7.5 (commencing with Section 14000), any aggrieved person may petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The

state board may, on its own motion, at any time review such action or failure to act.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 4. It is the intent of the Legislature, if amendments to Section 13320 of the Water Code proposed by both this bill and Assembly Bill No. 2350 are enacted, that both amendments be given effect and incorporated in Section 13320 in the form set forth in Section 1.5 of this act. Therefore, in the event Assembly Bill No. 2350 is enacted and amends Section 13320, Section 1.5 of this act shall become operative at the same time that Section 13320 as amended by Assembly Bill No. 2350 becomes operative, and at that time, Section 13320 of the Water Code as amended by Section 1 of this act is repealed.

SEC. 2. Division 7.5 (commencing with Section 14000) is added to the Water Code, to read:

DIVISION 7.5. TRANSPORTATION AND DISPOSAL OF WASTE

CHAPTER 1. LIQUID WASTE HAULERS

Article 1. Declaration of Policy and Definitions

14000. The state board and regional boards in carrying out the provisions of this chapter shall be guided by the policy of Chapter 1 (commencing with Section 13000) of Division 7.

14001. Unless context otherwise requires, the definitions set forth in Chapter 2 (commencing with Section 13050) of Division 7 and this article govern the construction of this chapter.

14002. "Liquid waste" includes any solid or gaseous substances contained in such waste from any producing, manufacturing, or processing operation of whatever nature.

"Liquid waste" does not include sewage, fertilizer, or any radioactive material that is subject to the provisions of Chapter 7.3 (commencing with Section 25650) of Division 20 of the Health and Safety Code.

Article 2. Registration

14020. (a) It is unlawful for any person to carry on, or engage in, the business of hauling liquid waste, or the hauling of liquid waste as a part of, or incidental to, any business, unless he holds an unrevoked registration issued by the state board.

The hauling of liquid waste, as used in this chapter, does not include hauling or carriage on water by any watercraft.

(b) The provisions of this chapter may be waived by the state board as to any business, or any type of business, the liquid waste of which the state board finds to be insignificant or unimportant as a contributor to water pollution or contamination or when the state board finds that the business is adequately regulated by another governmental agency. Any waiver under this subdivision shall be conditional and may be terminated at any time.

14021. An application for registration under this chapter shall be filed with the state board. The application shall state the name in full, if a partnership then names of each of the partners, the relation of the applicant to the firm or partnership, the place of business and place of residence of the applicant for registration and of each of the partners in the business, if a partnership, and shall designate, as specifically as practical, the areas and locations where it is proposed to dispose of any liquid waste and the regional water quality control board or boards in whose region or regions such areas are located. The application shall be signed by the authorized officer of a corporation, if a corporation, or by the managing partner, if a partnership.

14022. Registration shall be subject to such terms, conditions, orders, and directions as the state board or its duly authorized representative may at any time deem necessary for the protection of the quality of the waters of the state.

14023. The state board is required to act upon each application within 30 days of the date of filing of such application.

14024. Registration shall be only for the unexpired portion of the calendar year in which registration is issued, and at the end of the calendar year all registrations shall expire, subject to automatic renewal upon payment of the required fees pursuant to Section 14026. The payment of such fees for renewal of registration shall be made between the first day of January and the first day of February of each year.

14025. A change of address of any registrant including a member of a partnership which is registered and of the place of business thereof shall be reported in writing by registered

mail by the registrant within 10 days after such change of address.

14026. (a) A registration fee of ten dollars (\$10) shall be paid to the state board by each person who carries on, or engages in, the business of hauling liquid waste or who handles liquid waste as a part of, or incidental to, any business, for a calendar year or any portion thereof.

(b) Such person shall also pay to the state board fifteen dollars (\$15) for the first vehicle used for the transportation of liquid waste, ten dollars (\$10) per vehicle for the second through sixth vehicle, and five dollars (\$5) per vehicle for the seventh and any other vehicle, for a calendar year, or a pro-rated amount thereof for the unexpired portion of a calendar year.

(c) The fees prescribed in subdivisions (a) and (b) shall be payable each year not later than the first day of February or within 30 days after commencing the use of any vehicle to haul liquid waste, whichever occurs later, for administering the provisions of this chapter.

14027. All fees collected pursuant to this chapter shall be deposited in the State Water Quality Control Fund. The state board shall maintain a Liquid Waste Haulers Account to permit separate accountability for the receipt and expenditure of funds derived from fees collected pursuant to this chapter. All such funds are available without regard to fiscal years for expenditure by the state board for purposes of administering this chapter.

Article 3. Disposing of Liquid Waste

14040. Each regional board shall approve sites suitable for the disposal of different kinds of liquid wastes, consistent with the classifications that shall be adopted by the state board, and may adopt regulations for disposal of liquid waste at such approved sites that it deems are necessary for the protection of the quality of the waters of the state.

14041. The hauler of liquid waste shall dispose of liquid waste in accordance with the regulations adopted by the regional board and on a site approved by the regional board and shall dispose of only such type of liquid waste as was designated for the particular site.

14042. No liquid waste shall be discharged into a community sewer system by a liquid waste hauler without a prior written approval of the operator of such system or his agent. Such approval shall state the authorized hours and place of discharge and type of liquid waste which may be discharged into the community sewer system.

14043. Each person who produces liquid waste which is to be hauled in a vehicle prior to being discharged shall consign or deliver such waste only to a registered liquid waste hauler.

Article 4. Enforcement

14060. The Attorney General, at the request of a regional board or the state board, shall petition the superior court for the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, or combination thereof, as may be appropriate, prohibiting forthwith any person who is violating or threatening to violate any provision of this chapter from continuing such violation or threatened violation, or from in any way hauling or disposing of liquid waste at any location or in any manner which is not in accordance with the provisions of this chapter.

Article 5. Penalties

14080. Any person who violates any provision of Section 14041, 14042, or 14043 is guilty of a misdemeanor.

Article 6. Exemptions

14100. Nothing in this chapter shall be construed to limit the power of any city, county, or city and county to adopt and enforce equal or higher standards in connection with hauling and disposal of liquid waste wholly within the boundaries of any city, county, or city and county.

CHAPTER 903

An act to amend Section 32032 of the Education Code, relating to innovative schools.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 32032 of the Education Code is amended to read:

32032. The pupils in each innovative school shall be limited to those in kindergarten and grades 1 through 3. They shall, as nearly as possible, be representative of the ethnic and socioeconomic characteristics of the regional attendance area served by the school. Efforts shall be made by the staff of the innovative school and the school districts in the regional area to inform parents and recruit pupils for attendance at the innovative school.

CHAPTER 904

An act to amend Section 7502 of, and to add Sections 7561, 7562, and 7563 to, the Education Code, relating to educational programs.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7502 of the Education Code is amended to read:

7502. The Legislature hereby recognizes that, because of the common needs and interests of the citizens of this state and the nation, there is a need to establish a common state curriculum for the public schools, but that, because of economic, geographic, physical, political and social diversity, there is a need for the development of educational programs at the local level, with the guidance of competent and experienced educators and citizens. Therefore, it is the intent of the Legislature to set broad minimum standards and guidelines for educational programs, and to encourage local districts to develop programs that will best fit the needs and interests of the pupils, pursuant to stated philosophy, goals, and objectives.

SEC. 2. Section 7561 is added to the Education Code, to read:

7561. "Philosophy" means a composite statement of the relationship between the individual and society based upon beliefs, concepts, and attitudes from which the goals and objectives of the district are derived.

SEC. 3. Section 7562 is added to the Education Code, to read:

7562. "Goal" means a statement of broad direction or intent which is general and timeless and is not concerned with a particular achievement within a specified time period.

SEC. 4. Section 7563 is added to the Education Code, to read:

7563. "Objective" means a devised accomplishment that can be verified within a given time and under specifiable conditions which, if attained, advances the system toward a corresponding goal.

CHAPTER 905

An act to add Section 25531.8 to the Education Code, relating to community college bookstores, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25531.8 is added to the Education Code, to read:

25531.8. The governing board of any district maintaining a community college may establish a bookstore on district property for the purpose of offering for sale, textbooks, supplementary textbooks, school supplies, stationery supplies,

confectionary items, and related auxiliary school supplies and services.

The governing board may establish a bookstore fund into which the proceeds derived from the operation of a junior college bookstore may be transferred. Moneys in a bookstore fund shall be deposited or invested in one or more of the following ways:

(a) Deposits in a bank or banks whose accounts are insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or withdrawable shares in state-chartered savings and loan associations and savings accounts of federal savings and loan associations provided such associations are doing business in this state and have their accounts insured by the Federal Savings and Loan Insurance Corporation.

(c) Purchase of United States securities pursuant to subdivision (a) of Section 16430 of the Government Code.

The governing board shall designate an employee or official of the district to act as trustee for funds derived from the operation of a community college bookstore and to receive such funds in accordance with procedures established by the board. The funds may be expended only in accordance with such procedure as may be established by the board. All necessary expenses, including salaries, wages and costs of capital improvements, may be deducted from the sales of a community college bookstore. Net proceeds from the operation of a community college bookstore shall be used for the general benefit of the student body as determined by the governing board. Money may be expended for services and property, including but not limited to, parking facilities, stadia, student centers, student unions, health centers, bookstores or auxiliary facilities for use of students or faculty members of the community college or employees of the district. Funds derived from the operation of a community college bookstore shall be subject to audit pursuant to Section 17206.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Clear delineation of fiscal management and responsibility for community college activities are essential for the orderly and peaceful operation of the several community colleges. In order that the authority afforded by this act to establish bookstore operations at community colleges will be effective as early as possible before the commencement of the 1970-1971 school year, it is essential that this act take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 6103 of the Government Code is amended to read:

6103. Neither the state nor any county, city, district, or other political subdivision, nor any public officer or body, acting in his official capacity on behalf of the state, or any county, city, district or other political subdivision, shall pay or deposit any fee for the filing of any document or paper, for the performance of any official service, or for the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement. This section does not apply to the State Compensation Insurance Fund or where a public officer is acting with reference to private assets or obligations which have come under his jurisdiction by virtue of his office, or where it is specifically provided otherwise. No fee shall be charged for the filing of a confession of judgment in favor of any of the public agencies named in this section.

CHAPTER 908

An act to add Article 4.5 (commencing with Section 2176) to Chapter 5, Division 2 of the Business and Professions Code, relating to loans for medical students, and making an appropriation therefor.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 4.5 (commencing with Section 2176) is added to Chapter 5, Division 2 of the Business and Professions Code, to read:

Article 4.5. Loans for Medical Students

2176. For the purposes of this article:

(a) "Board" means the Board of Medical Examiners of the State of California.

(b) "The practice of medicine" means all activities permitted a licensed physician by this chapter, except activities performed in the course of employment as a public health officer, as a medical school faculty member where teaching time is more than 25 percent of the working day, or as an intern or resident.

(c) "An area deficient in physician services" means:

(1) Any county in the state in which the number of physicians, not employed by the United States, engaged in the practice of medicine is found by the board to be in a ratio of

less than 100 for every 100,000 county residents, and which the board finds to be in need of physician services.

(2) Any city or area within a county or city in the state, which the board finds to be lacking in adequate physician services.

2176.5. The board shall administer the program of loans for medical students, and shall adopt such rules and regulations as are reasonably necessary to carry out the provisions of this article.

2177. The amount of each loan shall not exceed two thousand dollars (\$2,000) for an academic year. In any event, no student shall receive more than four thousand dollars (\$4,000) in loans.

2177.5. There shall be at least 35 loans available each year. Only students enrolled in the doctor of medicine program of a medical school approved by the board and located in California, are eligible for participation in the loan program.

2178. No person shall be awarded a loan under this chapter unless he complies with all of the following conditions:

(a) He is a resident of California.

(b) He is enrolled in at least the third year of an approved doctor of medicine program in California.

(c) He has complied with all the rules and regulations adopted pursuant to this article.

(d) He has agreed with the board to continue his education and training with the intention of practicing medicine in an area deficient in physician services.

2178.5. Applications for loans shall be made to the board, upon forms provided by it, at the times and in the manner prescribed by the rules and regulations adopted by the board.

2179. The board shall award the loans to applicants which it determines have the greatest financial need for such funds. The board shall not award any loan to an applicant if it determines that the applicant has adequate financial resources to support himself and his family.

2179.5. The loan shall be repayable in equal or graduated periodic installments, according to a schedule agreed upon by the board and the borrower, over a 10-year period which shall begin three years after the student ceases to pursue a full-time course of study at a school of medicine, excluding from such 10-year period all periods, up to three years, of (1) active duty performed by the borrower as a member of the armed forces of the United States, or (2) nonmilitary public service performed by the borrower which the board finds to be in the public interest.

2180. The interest to be paid on the loan shall be two percentage points less than the authorized interest rate on California State Capital Construction Bonds at the time of the loan.

2180.5. The liability to repay the unpaid balance of the loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the board determines that he has

become permanently disabled and is unable to engage in substantial gainful activity.

2181. Where any person who has obtained one or more loans under this article engages in the practice of medicine in an area deficient in physician services, 25 percent of the total of such loans plus accrued interest on such amount which are unpaid as of the date that such practice begins shall be canceled thereafter for each year of such practice.

2181.5. The board shall, under the provisions of this article, make a determination as to which areas of the state are deficient in physician services. This study shall be updated every two years and shall be the basis for notifying loan recipients of areas which will satisfy the loan exemption provisions of this article.

2182. The board may assess a charge with respect to a loan made under this article for failure of the borrower to pay all or part of an installment when due and, in the case of a borrower who is entitled to a deferment under Section 2179.5 or cancellation of part or all of the loan under Sections 2180.5 or 2181 for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed two dollars (\$2) for each month by which such installment or evidence is late, except that there shall be no charge for the first month.

SEC. 2. The sum of seventy-five thousand dollars (\$75,000) is hereby appropriated from the surpluses accumulated in the Contingent Fund of the Board of Medical Examiners of the State of California for the purposes of this act. All moneys received as repayments of the loans authorized by this act shall be paid into the Contingent Fund of the Board of Medical Examiners of the State of California.

CHAPTER 909

An act to amend Section 1 of Chapter 1141 of the Statutes of 1968, relating to the authorization for awarding bids for construction of certain junior college buildings and facilities prior to appropriation of state funds from Junior College Construction Program Bond Act of 1968, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1141 of the Statutes of 1968 is amended to read:

Section 1. Any junior college district which was a part of a unified school district before July 1, 1966, and which is leasing buildings and facilities from such unified school district and is required to vacate such buildings and facilities prior to

the 1971-1972 school year, may award bids for construction of buildings and facilities, the proposed projects for which have been approved by the Department of Education and the Department of Finance pursuant to Sections 20076 and 20077 of the Education Code, prior to the appropriation by the Legislature of the state's share of the funding thereof from the Junior College Construction Program Bond Act of 1968 pursuant to Section 20082 of the Education Code, if such district has demonstrated to the satisfaction of the Department of Education and the Department of Finance that the district has substantiated the need for the early awarding of bids by its capital construction program, and the construction dates contained therein, and that the district has the financial capabilities to complete the building projects for which the bids have been awarded in the event the Legislature fails to appropriate the necessary state funding.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that essential junior college construction projects be completed and the benefits of such projects be made available to the public at the earliest possible date following the forced vacation of leased buildings and facilities, it is necessary that this act authorizing construction of such projects to begin, take immediate effect.

CHAPTER 910

An act to amend and renumber Section 405.8 of the Code of Civil Procedure, relating to malpractice actions.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 405.8 of the Code of Civil Procedure is amended and renumbered to read:

1029.6. (a) Whenever a complaint for damages for personal injuries is filed against a physician and surgeon, dentist, registered nurse, dispensing optician, optometrist, pharmacist, registered physical therapist, podiatrist, licensed psychologist, osteopath, chiropractor, clinical laboratory bioanalyst, clinical laboratory technologist, or veterinarian, duly licensed as such under the laws of this state, or a licensed hospital as the employer of any such person, in an action for error, omission, or negligence in the performance of professional services, or performance of professional services without consent, any such defendant may, within six months after service of summons, move the court for an order, upon notice to plaintiff and all

defendants having appeared in the action, and hearing, requiring the plaintiff to furnish a written undertaking, with at least two sufficient sureties, in a sum not to exceed five hundred dollars (\$500), or to deposit such sum or equivalent security approved by the court with the clerk of the court, as security for the costs of defense as provided in subdivision (d), which may be awarded against such plaintiff. Such motion shall be supported by affidavit showing that the claim against such defendant is frivolous. Any defendant having appeared in the action and within 30 days after receipt of notice may join with the moving party requesting an order under this section as to such additional defendant. The failure of any defendant to join with the moving party shall preclude each such defendant from subsequently requesting an order under this section.

At the hearing upon such motion, the court shall order the plaintiff to furnish such security if the defendant shows to the satisfaction of the court that: (i) the plaintiff would not suffer undue economic hardship in filing such written undertaking or making such deposit and (ii) there is no reasonable possibility that the plaintiff has a cause of action against each named defendant with respect to whom the plaintiff would otherwise be required to file such written undertaking or make such deposit.

A determination by the court that security either shall or shall not be furnished or shall be furnished as to one or more defendants and not as to others, shall not be deemed a determination of any one or more issues in the action or of the merits thereof. If the court, upon any such motion, makes a determination that a written undertaking or deposit be furnished by the plaintiff as to any one or more defendants, the action shall be dismissed as to such defendant or defendants, unless the security required by the court shall have been furnished within such reasonable time as may be fixed by the court.

(b) This section does not apply to a complaint in an action commenced in a small claims court.

(c) Whenever more than one such defendant is named, the undertaking or deposit shall be increased to the extent of not to exceed five hundred dollars (\$500) for each additional defendant in whose favor such undertaking or deposit is ordered, not to exceed the total of one thousand dollars (\$1,000).

(d) In any action requiring a written undertaking or deposit as provided in this section, upon the dismissal of the action or the award of judgment to the defendant, the court shall require the plaintiff to pay the defendant's court costs. Any sureties shall be liable for such costs in an amount not to exceed the sum of five hundred dollars (\$500) or the amount of the undertaking, whichever is lesser, for each defendant with respect to whom such sureties have executed a written undertaking or the plaintiff has made a deposit. If the plaintiff prevails in the action against any defendant with respect

to whom such security has been filed, such defendant shall pay the costs to plaintiff incurred in obtaining such written undertaking or deposit and defending the motion for dismissal authorized by this section.

(e) Any defendant filing a motion under this section or joining with a moving party under this section is precluded from subsequently filing a motion for summary judgment.

(f) Any defendant filing a motion for summary judgment is precluded from subsequently filing a motion, or joining with a moving party, under this section.

CHAPTER 911

An act to amend Section 12894 of the Water Code, relating to water agency bonds.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12894 of the Water Code is amended to read:

12894. The department may, when specifically authorized by law to do so, enter into a commitment, without regard to fiscal years, with any public agency, as defined in subdivision (b) of Section 12881.2, to make a loan to such public agency for the purpose of paying the difference between the amount the public agency is able to raise to make any payment of the principal and interest on general obligation bonds issued by such public agency for the construction of a project utilizing water from the State Water Resources Development System or water obtained through an exchange of water from the system and the amount due on such principal and interest. For the purposes of this chapter, the term "general obligation bonds" shall be deemed to include bonds, but not direct assessment warrants, issued by a California water storage district pursuant to Part 8 (commencing with Section 45100) of Division 14 of this code.

The balance of the appropriation made by Chapter 1435, Statutes of 1963, not required for the purposes of that chapter, as determined by the director, is hereby appropriated to the department for expenditure, without regard to fiscal years, as follows:

(a) Not to exceed ten thousand dollars (\$10,000) may be expended by the department in carrying out the provisions of Section 12894.2.

(b) The remainder shall be available for the purpose of making loan commitments pursuant to this section, when specifically authorized by law.

Said balance of the appropriation made by Chapter 1435, Statutes of 1963, shall constitute the sole and exclusive source

of payment of such loans, and any commitment to make such a loan shall not constitute a debt, liability, or obligation of the state, except to the extent that money may be available from said balance to make a loan. The purpose of such commitments shall be to assist public agencies in the sale of such bonds at a reasonable charge. An application for such a commitment may be approved only if it is determined that the commitment is needed for that purpose, that there is reasonable assurance that the public agency can repay any sums paid out by the department under the commitment, and that the project for which the bonds are to be issued substantially conforms to the California Water Plan and is financially feasible. Approval of such bonds by the State Treasurer for certification shall constitute a finding that the project is financially feasible.

CHAPTER 912

An act to amend Section 21669.3 of the Public Utilities Code, relating to regulation of obstructions.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21669.3 of the Public Utilities Code is amended to read:

21669.3. The department shall submit a comprehensive report of the noise regulations adopted pursuant to Sections 21669, 21669.1 and 21669.2 to the Legislature on or prior to December 31, 1970, and the regulations shall go into effect on December 1, 1971, in the absence of legislative action adopting different standards.

CHAPTER 913

An act to amend Section 690.23 of the Code of Civil Procedure, relating to execution of judgment.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 690.23 of the Code of Civil Procedure is amended to read:

690.23. (a) All money held, controlled, or in process of distribution by the state or a city, city and county or other political subdivision of the state, or any public trust, or public corporation, or by the governing body of any of them, or by any public board or boards, derived from the contributions by the state or such city, county, city and county, or other politi-

cal subdivision, or such public trust, public corporation, governing body, or public board or boards, or by any officer or employee thereof for retirement or pension purposes or the payment of disability, death or other benefits, or benefits payable under the provisions of "An act to establish a system of unemployment reserves for this state, and making an appropriation therefor," approved June 25, 1935, are exempt from attachment or execution.

(b) All money held, controlled, or in process of distribution by any private retirement plan, including, but not limited to, union retirement plans, or any profit-sharing plan designed and used for retirement purposes, or the payment of benefits as an annuity, pension, retirement allowance, disability payment or death benefit from such retirement or profit-sharing plans, and all contributions and interest thereon returned to any member of any such retirement or profit-sharing plan, are exempt from execution, attachment, or garnishment in any bankruptcy proceeding. This subdivision shall not apply to any moneys held in any retirement program established pursuant to the federal "Self-Employed Individuals Tax Retirement Act of 1962" (P.L. 87-792; 76 Stat. 809), nor to any moneys received in any manner by persons from any such retirement program so established.

CHAPTER 914

An act to amend Sections 74905, 74906, 74907, and 74912 of, to add Sections 70141.12, 74908, and 74909 to, and to repeal Sections 74908 and 74909 of, the Government Code, relating to court personnel.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 70141.12 is added to the Government Code, to read:

70141.12. In any county with a population exceeding 199,000 and not exceeding 220,000 as determined by the 1960 federal census, the superior court may provide that the commissioner, in addition to the duties prescribed in Section 259 of the Code of Civil Procedure, shall perform the duties prescribed by Section 259a of the Code of Civil Procedure and in addition thereto the duties of a probate commissioner appointed pursuant to Section 69897 of this code. Any commissioner authorized to perform such duties shall receive a monthly salary in accordance with the following salary range of five annual steps; one thousand five hundred two dollars (\$1,502) a month for the first year; one thousand five hundred seventy-seven dollars (\$1,577) a month for the second year; one thousand six hundred fifty-six dollars (\$1,656) a month for the

third year; one thousand seven hundred thirty-nine dollars (\$1,739) a month for the fourth year; and one thousand eight hundred twenty-six dollars (\$1,826) a month for the fifth year. He shall also be allowed actual traveling expenses pursuant to Section 70148.

SEC. 2. Section 74905 of the Government Code is amended to read:

74905. (a) There shall be one clerk of the Ventura County Municipal Court, who shall be known as the court executive officer and who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The court executive officer shall receive the monthly compensation of one thousand eight hundred twenty-six dollars (\$1,826). The court executive officer shall not be the same person serving as marshal.

(b) There shall be one assistant clerk of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The assistant clerk shall receive the monthly compensation of one thousand three hundred sixty-three dollars (\$1,363).

SEC. 3. Section 74906 of the Government Code is amended to read:

74906. There shall be one marshal of the Ventura County Municipal Court who shall be appointed by and serve at the pleasure of a majority of the judges of the court. The marshal shall have control and supervisory responsibility over the personnel within the marshal's office. Fiscal matters pertaining to the marshal's office shall be subject to the review and approval of the court executive officer. The salary of the marshal shall be the same fixed monthly rate as the assistant clerk.

SEC. 4. Section 74907 of the Government Code is amended to read:

74907. The court executive officer may appoint:

(a) One chief deputy clerk II, who shall receive monthly compensation specified in range 30.5, set forth in Section 74909.

(b) Three chief deputy clerks I, who shall receive monthly compensation specified in range 29.5, set forth in Section 74909.

(c) Eight deputy clerks V, who shall receive monthly compensation specified in range 25.0, set forth in Section 74909.

(d) Three senior secretaries, who shall receive monthly compensation specified in range 22.0, set forth in Section 74909.

(e) One principal account clerk I, who shall receive monthly compensation specified in range 24.0, set forth in Section 74909.

(f) Eleven deputy clerks IV, who shall receive monthly compensation specified in range 23.5, set forth in Section 74909.

(g) One municipal court process clerk, who shall receive monthly compensation specified in range 21.0, set forth in Section 74909.

(h) Three deputy municipal court clerk interpreters, who shall receive monthly compensation specified in range 20.5 set forth in Section 74909.

(i) Thirteen deputy clerks III, who shall receive monthly compensation specified in range 19.0, set forth in Section 74909.

(j) Thirteen deputy clerks II, who shall receive monthly compensation specified in range 16.0, set forth in Section 74909.

(k) Two senior deputy clerk-keypunch operators, who shall receive monthly compensation specified in range 17.0, set forth in Section 74909.

(l) Three deputy clerk-keypunch operators, who shall receive monthly compensation specified in range 16.0, set forth in Section 74909.

SEC. 5. Section 74908 of the Government Code is repealed.

SEC. 6. Section 74908 is added to the Government Code, to read:

74908. The marshal of the Ventura County Municipal Court may, with the concurrence of the court, appoint:

(a) Three lieutenants, who shall receive the monthly compensation specified in range 33.5, set forth in Section 74909. However, one lieutenant position shall be filled by the former incumbent assistant marshal, who shall receive a salary of not less than one thousand two hundred ninety-eight dollars (\$1,298) per month until such time as the salary of each of the remaining two lieutenants as herein described reaches such incumbent salary of one thousand two hundred ninety-eight dollars (\$1,298).

(b) Five sergeants, each of whom shall receive the monthly compensation specified in range 31.5, set forth in Section 74909.

(c) Twenty-one deputy marshals, each of whom shall receive the monthly compensation specified in range 28.0, set forth in Section 74909.

(d) Six senior marshal's process clerks, each of whom shall receive the monthly compensation specified in range 21.0, set forth in Section 74909.

(e) Five marshal's process clerks, each of whom shall receive the monthly compensation specified in range 19.0, set forth in Section 74909. Marshal's process clerk trainees at a flat monthly rate of four hundred twenty-three dollars (\$423) may be appointed in lieu of marshal's process clerks until such trainees have satisfactorily completed a six-month training period.

(f) Such deputies who shall be keepers as may be reasonably required pursuant to law at the fee allowed by law for keeping property.

The occupants of positions listed in subdivisions (d) and (e) shall, when required, be assigned to additional duties as matron, and during the period of such assignment shall receive no additional compensation.

SEC. 7. Section 74909 of the Government Code is repealed.

SEC. 8. Section 74909 is added to the Government Code, to read:

74909. The following salary schedule shall apply to all persons employed by the Ventura County Municipal Court:

Range	Step 1.0	Step 1.5	Step 2.0	Step 2.5	Step 3.0	Step 3.5	Step 4.0	Step 4.5	Step 5.0	Ch. 914]	1970 REGULAR SESSION	1659
14.0	384	394	403	413	423	434	445	456	466			
14.5	394	403	413	423	434	445	456	466	478			
15.0	403	413	423	434	445	456	466	478	490			
15.5	413	423	434	445	456	466	478	490	502			
16.0	423	434	445	456	466	478	490	502	515			
16.5	434	445	456	466	478	490	502	515	528			
17.0	445	456	466	478	490	502	515	528	540			
17.5	456	466	478	490	502	515	528	540	554			
18.0	466	478	490	502	515	528	540	554	567			
18.5	478	490	502	515	528	540	554	567	581			
19.0	490	502	515	528	540	554	567	581	595			
19.5	502	515	528	540	554	567	581	595	610			
20.0	515	528	540	554	567	581	595	610	626			
20.5	528	540	554	567	581	595	610	626	642			
21.0	540	554	567	581	595	610	626	642	657			
21.5	554	567	581	595	610	626	642	657	673			
22.0	567	581	595	610	626	642	657	673	690			
22.5	581	595	610	626	642	657	673	690	707			
23.0	595	610	626	642	657	673	690	707	723			
23.5	610	626	642	657	673	690	707	723	741			
24.0	626	642	657	673	690	707	723	741	760			
24.5	642	657	673	690	707	723	741	760	779			
25.0	657	673	690	707	723	741	760	779	798			
25.5	673	690	707	723	741	760	779	798	818			
26.0	690	707	723	741	760	779	798	818	838			

Range	Step 1.0	Step 1.5	Step 2.0	Step 2.5	Step 3.0	Step 3.5	Step 4.0	Step 4.5	Step 5.0	1660
26.5	707	723	741	760	779	798	818	838	859	
27.0	723	741	760	779	798	818	838	859	879	
27.5	741	760	779	798	818	838	859	879	901	
28.0	760	779	798	818	838	859	879	901	923	
28.5	779	798	818	838	859	879	901	923	946	
29.0	798	818	838	859	879	901	923	946	969	
29.5	818	838	859	879	901	923	946	969	993	
30.0	838	859	879	901	923	946	969	993	1,017	
30.5	859	879	901	923	946	969	993	1,017	1,042	
31.0	879	901	923	946	969	993	1,017	1,042	1,069	
31.5	901	923	946	969	993	1,017	1,042	1,069	1,096	
32.0	923	946	969	993	1,017	1,042	1,069	1,096	1,122	
32.5	946	969	993	1,017	1,042	1,069	1,096	1,122	1,150	
33.0	969	993	1,017	1,042	1,069	1,096	1,122	1,150	1,178	
33.5	993	1,017	1,042	1,069	1,096	1,122	1,150	1,178	1,207	
34.0	1,017	1,042	1,069	1,096	1,122	1,150	1,178	1,207	1,236	
34.5	1,042	1,069	1,096	1,122	1,150	1,178	1,207	1,236	1,267	
35.0	1,069	1,096	1,122	1,150	1,178	1,207	1,236	1,267	1,298	
35.5	1,096	1,122	1,150	1,178	1,207	1,236	1,267	1,298	1,330	
36.0	1,122	1,150	1,178	1,207	1,236	1,267	1,298	1,330	1,363	
36.5	1,150	1,178	1,207	1,236	1,267	1,298	1,330	1,363	1,397	
37.0	1,178	1,207	1,236	1,267	1,298	1,330	1,363	1,397	1,432	
37.5	1,207	1,236	1,267	1,298	1,330	1,363	1,397	1,432	1,468	
38.0	1,236	1,267	1,298	1,330	1,363	1,397	1,432	1,468	1,502	
38.5	1,267	1,298	1,330	1,363	1,397	1,432	1,468	1,502	1,540	

Range	Step 1.0	Step 1.5	Step 2.0	Step 2.5	Step 3.0	Step 3.5	Step 4.0	Step 4.5	Step 5.0
39.0	1,298	1,330	1,363	1,397	1,432	1,468	1,502	1,540	1,577
39.5	1,330	1,363	1,397	1,432	1,468	1,502	1,540	1,577	1,616
40.0	1,363	1,397	1,432	1,468	1,502	1,540	1,577	1,616	1,656
40.5	1,397	1,432	1,468	1,502	1,540	1,577	1,616	1,656	1,697
41.0	1,432	1,468	1,502	1,540	1,577	1,616	1,656	1,697	1,739
41.5	1,468	1,502	1,540	1,577	1,616	1,656	1,697	1,739	1,782
42.0	1,502	1,540	1,577	1,616	1,656	1,697	1,739	1,782	1,826
42.5	1,540	1,577	1,616	1,656	1,697	1,739	1,782	1,826	1,872
43.0	1,577	1,616	1,656	1,697	1,739	1,782	1,826	1,872	1,917
43.5	1,616	1,656	1,697	1,739	1,782	1,826	1,872	1,917	1,965
44.0	1,656	1,697	1,739	1,782	1,826	1,872	1,917	1,965	2,013
44.5	1,697	1,739	1,782	1,826	1,872	1,917	1,965	2,013	2,063
45.0	1,739	1,782	1,826	1,872	1,917	1,965	2,013	2,063	2,114
45.5	1,782	1,826	1,872	1,917	1,965	2,013	2,063	2,114	2,167
46.0	1,826	1,872	1,917	1,965	2,013	2,063	2,114	2,167	2,220
46.5	1,872	1,917	1,965	2,013	2,063	2,114	2,167	2,220	2,276
47.0	1,917	1,965	2,013	2,063	2,114	2,167	2,220	2,276	2,331
47.5	1,965	2,013	2,063	2,114	2,167	2,220	2,276	2,331	2,390
48.0	2,013	2,063	2,114	2,167	2,220	2,276	2,331	2,390	2,448
48.5	2,063	2,114	2,167	2,220	2,276	2,331	2,390	2,448	2,510
49.0	2,114	2,167	2,220	2,276	2,331	2,390	2,448	2,510	2,570
49.5	2,167	2,220	2,276	2,331	2,390	2,448	2,510	2,570	2,636

SEC. 9. Section 74912 of the Government Code is amended to read:

74912. (a) Certain classifications in the Ventura County Municipal Court are deemed to be equivalent in position responsibility and salary level to certain classifications in the service of Ventura County and whenever the salary of an equivalent classification in the Ventura County service is adjusted by the board of supervisors, the salary of the equivalent classification in the Ventura County Municipal Court shall be adjusted an equivalent amount. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to classifications in the Ventura County service, but such adjustments shall be effective no longer than 90 days after the final adjournment of the next regular session of the Legislature. The intent of this section shall not be construed to mean that any salary adjustments made in 1970 will be forfeited on the effective date of this section.

(b) The class of deputy municipal court clerk II is equivalent to intermediate typist-clerk in the Ventura County service. The classes of deputy municipal court clerk III, and marshal's process clerk are equivalent to senior typist-clerk in the Ventura County service. The classes of senior marshal's process clerk and municipal court process clerk are equivalent to legal process clerk in the Ventura County service. The class of deputy clerk-keypunch operator is equivalent to keypunch operator in the Ventura County service. The class of senior deputy clerk-keypunch operator is equivalent to senior keypunch operator in the Ventura County service. The class of senior secretary is equivalent to senior secretary in the Ventura County service. The class of principal account clerk I is equivalent in position responsibility and salary level to the class of principal account clerk I in Ventura County service. The class of deputy municipal court clerk IV is equivalent to superior court clerk. The class of deputy marshal is equivalent to deputy sheriff. The class of marshal's sergeant is equivalent to sheriff's sergeant. The class of marshal's lieutenant is equivalent to sheriff's lieutenant. The class of assistant clerk is equivalent to marshal.

(c) Whenever the salary of the class of deputy municipal court clerk II is adjusted as described above, the salaries of the classes of deputy clerk interpreter, chief deputy clerk, and chief deputy clerk II shall be adjusted an equivalent number of ranges or steps on the salary schedule.

SEC. 10. The intent of the Legislature in enacting this act is solely to improve the administration of justice in the courts affected by the provisions of this act. Nothing in this act shall be construed as authorizing a consolidation of the functions of the marshal's department of the Ventura County Municipal Court with any similar functions performed by the Ventura County Sheriff.

CHAPTER 915

An act to add Section 6153 to the Education Code, relating to home teaching.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6153 is added to the Education Code, to read:

6153. The governing board of any school district maintaining a home-teaching program, or providing home instruction as authorized by law for minors afflicted with any form of handicap, may provide such home teaching or instruction on Saturday.

No pupil shall be required to attend upon a home-teaching program or home instruction on Saturday without the consent of his parent or guardian.

CHAPTER 916

An act to amend Sections 4025 and 4026 of the Penal Code, relating to county jails.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4025 of the Penal Code is amended to read:

4025. (a) The sheriff of each county may establish, maintain and operate a store in connection with the county jail and for this purpose may purchase confectionery, tobacco and tobacco users' supplies, postage and writing materials, and toilet articles and supplies and to sell such goods, articles, and supplies for cash to inmates in such jail.

(b) The sale prices of the articles offered for sale at the store shall be fixed by the sheriff at such amounts as will render the jail store self-supporting and, in addition, will provide a small margin of profit. Such profit shall be deposited in an inmate welfare fund to be kept in the treasury of the county.

(c) There shall also be deposited in the inmate welfare fund 10 percent of all gross sales of inmate hobbycraft.

(d) The money and property deposited in the inmate welfare fund shall be expended by the sheriff solely for the benefit, education, and welfare of the inmates confined within the jail. An itemized report of such expenditures shall be submitted annually to the board of supervisors.

(e) The operation of a store within any other county adult detention facility which is not under the jurisdiction of the sheriff shall be governed by the provisions of this section, except that the board of supervisors shall designate the proper county official to exercise the duties otherwise allocated in this section to the sheriff.

(f) The operation of a store within any city adult detention facility shall be governed by the provisions of this section, except that city officials shall assume the respective duties otherwise outlined in this section for county officials.

(g) The treasurer may, pursuant to Article 1 (commencing with Section 53600), or Article 2 (commencing with Section 53630), of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, deposit, invest, or reinvest any part of the inmate welfare fund, in excess of that which the treasurer deems necessary for immediate use. The interest or increment accruing on such funds shall be deposited in the inmate welfare fund.

(h) The sheriff may expend money from the inmate welfare fund to provide indigent inmates, prior to release from the county jail or any other adult detention facility under the jurisdiction of the sheriff, with essential clothing and transportation expenses within the county.

SEC. 2. Section 4026 of the Penal Code is amended to read:

4026. The sheriff or other officer in charge of a county or city jail may provide for the manufacture of small articles of handiwork by prisoners out of raw materials purchased by the prisoners with their own funds or funds borrowed from the inmate welfare fund, which articles may be sold to the public at the county or city jails, in public buildings, at fairs, or on property operated by nonprofit associations. County- or city-owned property shall not be sold or given to prisoners for use under this section, except as expressly permitted by this section. The sheriff or other officer in charge shall comply with subdivision (c) of Section 4025 and provide that the balance of the sale price of the articles be deposited to the account of the prisoner manufacturing the article after repaying the inmate welfare fund any amount borrowed.

CHAPTER 917

An act to add Sections 34240.1, 34246, 34247, 34248, and 34249 to the Health and Safety Code, relating to housing.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 34240.1 is added to the Health and Safety Code, to read:

34240.1. Notwithstanding the provisions of Section 34240, the governing body of any city or county may, upon declara-

tion by resolution that there is a need for an authority to function in it, enter into an agreement with any other city or county whose governing body has declared by resolution the need for an authority to function in it, to form an area housing authority in the manner set forth in Sections 34246 and 34247.

SEC. 2. Section 34246 is added to the Health and Safety Code, to read:

34246. (a) Notwithstanding any other provision of law, the governing bodies of any two or more cities or counties or any combination thereof may by agreement create an area housing authority. Each governing body party to such agreement shall appoint two persons as commissioners of such authority, and the governing bodies shall jointly appoint one commissioner-at-large, and, upon appointment of all required commissioners, the authority shall be authorized to exercise all of the powers and transact all of the business which a housing authority of a city or county which is functioning and exercising its powers is authorized to exercise or transact.

(b) The governing body of each city or county shall designate one of those commissioners first appointed by it to serve for a term of three years and one to serve for a term of four years. Successors shall be appointed by the governing body for terms of four years, except that all vacancies shall be filled for the unexpired term.

The commissioner-at-large shall serve for a term of four years. His successors shall be appointed jointly by the governing bodies for terms of four years, except that a vacancy shall be filled for the unexpired term. In the event that a successor shall not have been appointed by the governing bodies within 30 days following a vacancy, the Governor shall appoint a successor.

(c) Three-fifths of the commissioners of an area housing authority constitute a quorum for the purpose of conducting business and exercising its powers and for all other purposes. Action may be taken by the authority upon a vote of a majority of the commissioners.

(d) The commissioners shall select a chairman from their number.

SEC. 3. Section 34247 is added to the Health and Safety Code, to read:

34247. The area of operation of an authority created pursuant to Section 34246 shall be the combined possible areas of operation of participating cities and counties, as determined by Sections 34208 and 34209.

SEC. 4. Section 34248 is added to the Health and Safety Code, to read:

34248. (a) If a city or county which enters into an agreement pursuant to Section 34246 has previously established a housing authority, the powers and duties of such authority shall be vested in the area housing authority upon the appointment of all required commissioners to the area authority.

(b) Upon such transfer of powers and duties, the title to any property owned or held by, or in trust for the city or county authority, and any debts, demands, liabilities or obligations existing in favor or against such authority, and any proceedings of such authority, shall become those of the area housing authority, and any and all such titles, debts, demands, liabilities, obligations, and proceedings shall have the same validity, force and effect as if acquired, incurred, accrued, or taken by the area housing authority.

(c) Any such transfer of powers and duties shall not affect or impair the status or rights of any duly appointed employees of the city or county authority, and such status and rights shall have the same validity, force, and effect as if attained during employment with the area housing authority.

SEC. 5. Section 34249 is added to the Health and Safety Code, to read:

34249. Nothing in this article shall be interpreted to prohibit agreements between public agencies pursuant to the provisions of Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

SEC. 6. It is the intention of the Legislature to provide, by means of this act, an additional opportunity for cities and counties sharing regional or area-wide housing problems to combine their resources and direct their efforts in a more concentrated manner toward the alleviation of such problems. Area housing authorities authorized by this act will permit unified, long-term approaches to be taken by the governing bodies of cities and counties, at their election, for the provision of housing within expanded yet cohesive areas of operation.

CHAPTER 918

An act to amend Sections 13204, 13223, 13261, 13264, 13267, 13300, 13301, 13304, 13331, 13361, 13523, 13608, and 13805 of, to amend and renumber Sections 13524 and 13525 of, and to add Sections 13441.5, 13522.5, 13522.6, 13522.7, and 13525.5 to, the Water Code, and to add Section 5803 to the Fish and Game Code, relating to water quality.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13204 of the Water Code is amended to read:

13204. Each regional board shall hold at least six regular meetings each calendar year and such additional special meetings or hearings as shall be called by the chairman or any two members of the regional board.

SEC. 2. Section 13223 of the Water Code is amended to read:

13223. (a) Each regional board may delegate any of its powers and duties vested in it by this division to its executive officer excepting only the following: (1) the promulgation of any regulation; (2) the issuance, modification, or revocation of any water quality control plan, water quality objectives, or waste discharge requirement; (3) the issuance, modification, or revocation of any cease and desist order; (4) the holding of any hearing on water quality control plans; and (5) the application to the Attorney General for judicial enforcement but excluding cases of specific delegation in a cease and desist order and excluding the cases described in subdivision (c) of Section 13002 and Sections 13304 and 13340.

(b) Whenever any reference is made in this division to any action that may be taken by a regional board, such reference includes such action by its executive officer pursuant to powers and duties delegated to him by the regional board.

SEC. 3. Section 13261 of the Water Code is amended to read:

13261. Any person failing to furnish a report under Section 13260 when so requested by a regional board is guilty of a misdemeanor.

SEC. 4. Section 13264 of the Water Code is amended to read:

13264. (a) No person shall initiate any new discharge of waste or make any material change in any discharge prior to the filing of the report required by Section 13260 nor shall any such person do so thereafter and prior to: (1) the issuance of waste discharge requirements pursuant to Section 13263, (2) the expiration of 120 days after his compliance with Section 13260, or (3) the regional board's waiver pursuant to Section 13269, whichever of (1), (2), or (3) occurs first.

(b) The Attorney General, at the request of a regional board, shall petition the superior court for the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, or combination thereof, as may be appropriate, prohibiting forthwith any person who is violating or threatening to violate this section from: (1) discharging the waste in question or (2) making any material change therein, whichever of (1) or (2) is applicable.

SEC. 5. Section 13267 of the Water Code is amended to read:

13267. (a) A regional board, in establishing or reviewing any water quality control plan or waste discharge requirements, or in connection with any action relating thereto or authorized by this division, may investigate the quality of any waters of the state within its region.

(b) In such an investigation, the regional board may require that any person discharging or proposing to discharge waste within its region or any citizen or domiciliary, or political agency or entity of this state discharging or proposing to discharge waste outside of its region that could affect the quality of waters within its region shall furnish, under

penalty of perjury, such technical or monitoring program reports as the board may specify; provided that the burden, including costs, of such reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained therefrom.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

(c) In such an investigation, the regional board may inspect the facilities of any such person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with. Such inspection shall be made with the consent of the owner or possessor of such facilities or, if such consent is refused, with a warrant duly issued pursuant to the procedure set forth in Title 13 (commencing with Section 1822.50) of Part 3 of Code of Civil Procedure; provided, however, that in the event of an emergency affecting the public health or safety such inspection may be made without consent or the issuance of a warrant.

SEC. 5.1. Section 13300 of the Water Code is amended to read:

13300. Whenever a regional board finds that a discharge of waste is taking place or threatening to take place that violates or will violate requirements prescribed by the regional board or that the waste collection, treatment, or disposal facilities of a discharger are approaching capacity, the board may require the discharger to submit for approval of the board, with such modifications as it may deem necessary, a detailed time schedule of specific actions the discharger shall take in order to correct or prevent a violation of requirements.

SEC. 5.2. Section 13301 of the Water Code is amended to read:

13301. When a regional board finds that a discharge of waste is taking place or threatening to take place in violation of requirements or discharge prohibitions prescribed by the regional board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions (a) comply forthwith, (b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action. In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to such system by dischargers who did not discharge into the system

prior to the issuance of the cease and desist order. Cease and desist orders may be issued directly by a board, after notice and hearing, or in accordance with the procedure set forth in Section 13302.

SEC. 5.3. Section 13304 of the Water Code is amended to read:

13304. (a) Any person who discharges waste into the waters of this state in violation of any waste discharge requirement or other order issued by a regional board, or who intentionally or negligently causes or permits any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance, shall upon order of the regional board clean up such waste or abate the effects thereof. Upon failure of any person to comply with such cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring such person to comply therewith. In any such suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant.

(b) If such waste is cleaned up or the effects thereof abated by any governmental agency after issuance of a regional board cleanup or abatement order, such person shall be liable to that governmental agency to the extent of the reasonable costs actually incurred in cleaning up such waste or abating the effects thereof. The amount of such costs shall be recoverable in a civil action by, and paid to, such governmental agency and the state board to the extent of the latter's contribution to the cleanup costs from the State Water Pollution Cleanup and Abatement Account.

SEC. 5.4. Section 13331 of the Water Code is amended to read:

13331. (a) Upon the failure of any person or persons to comply with any cease and desist order issued by a regional board or the state board, the Attorney General, upon request of the board, shall petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining such person or persons from continuing the discharge in violation of the cease and desist order.

(b) The evidence before the court shall consist of the record before the regional board or state board, or both, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement the policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.

(c) The court shall issue an order directing defendants to appear before the court at a time and place certain and show cause why the injunction should not be issued. The court may grant such prohibitory or mandatory relief as may be warranted.

(d) The court may stay the operation of the cease and desist order after notice to the board which issued the order and hearing. Any such stay may be imposed or continued only if it is not against the public interest.

SEC. 5.5. Section 13361 of the Water Code is amended to read:

13361. (a) Every civil action brought under the provisions of this division at the request of a regional board or the state board shall be brought by the Attorney General in the name of the people of the State of California and any such actions relating to the same discharge may be joined or consolidated.

(b) Any civil action brought pursuant to this division shall be brought in a county in which the discharge is made, or proposed to be made. However, any action by or against a city, city and county, county, or other public agency shall, upon motion of either party, be transferred to a county or city and county not a party to the action or to a county or city and county other than that in which the city or public agency is located.

(c) In any civil action brought pursuant to this division in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the remedy at law is inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction shall issue without such allegations and without such proof.

SEC. 5.6. Section 13441.5 is added to the Water Code, to read:

13441.5. The State Treasurer, when requested by the state board and approved by the Director of Finance, shall transfer moneys in the nature of a loan from the State Water Quality Control Fund to the account created pursuant to Section 13440, which shall be repayable from the account to such fund; provided, that the moneys transferred from the fund to the account shall not exceed the sum of twenty-five thousand dollars (\$25,000) at any one time.

SEC. 6. Section 13522.5 is added to the Water Code, to read:

13522.5. (a) Any person reclaiming or proposing to reclaim water or using or proposing to use reclaimed water within any region for any purpose for which reclamation criteria have been established, shall file with the regional board of that region a report containing such information as may be required by the board.

(b) Every person reclaiming water or using reclaimed water shall file with the regional board of that region a report of any material change or proposed change in the character of the reclaimed water or its use.

(c) Each report under this section shall be sworn to or submitted under penalty of perjury.

(d) The provisions of this section shall not be construed so as to require any such report in the case of any producing, manufacturing, or processing operation involving the reclamation of water solely for use in such producing, manufacturing or processing operation.

SEC. 7. Section 13522.6 is added to the Water Code, to read:

13522.6. Any person failing to furnish a report under Section 13522.5 when so requested by a regional board is guilty of a misdemeanor.

SEC. 8. Section 13522.7 is added to the Water Code, to read:

13522.7. The Attorney General, at the request of the regional board, shall petition the superior court for the issuance of a temporary restraining order, temporary injunction or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Section 13522.5 to comply forthwith.

SEC. 9. Section 13523 of the Water Code is amended to read:

13523. Each regional board, after consulting with and receiving the recommendations of the State Department of Public Health and after any necessary hearing, shall, if it determines such action to be necessary to protect the public health, safety, or welfare, prescribe water reclamation requirements for water which is used or proposed to be used as reclaimed water. Requirements may be placed upon the person reclaiming water, the user, or both. Such requirements shall include, or be in conformance with, the statewide reclamation criteria established pursuant to this article. The regional board may require the submission of a preconstruction report for the purpose of determining compliance with the reclamation criteria.

SEC. 10. Section 13524 of the Water Code is amended and renumbered to read:

13525. Upon the refusal or failure of any person or persons reclaiming water or using reclaimed water to comply with the provisions of this article, the Attorney General, at the request of the regional board, shall petition the superior court for the issuance of a temporary restraining order, preliminary injunction, or permanent injunction, or combination thereof, as may be appropriate, prohibiting forthwith any person or persons from violating or threatening to violate the provisions of this article.

SEC. 11. Section 13525 of the Water Code is amended and renumbered to read:

13524. No person shall reclaim water or use reclaimed water for any purpose for which reclamation criteria have been established until water reclamation requirements have been established pursuant to this article or a regional board determines that no requirements are necessary.

SEC. 12. Section 13525.5 is added to the Water Code, to read:

13525.5. Any person reclaiming water or using reclaimed water in violation of Section 13524, after such violation has been called to his attention in writing by the regional board, is guilty of a misdemeanor. Each day of such reclaiming or use shall constitute a separate offense.

SEC. 12.5. Section 13608 of the Water Code is amended to read:

13608. After January 1, 1971, no application for a grant under this division or under the Federal Water Pollution Control Act, or amendment thereof, or for a loan pursuant to Chapter 6 (commencing with Section 13400) of this division, shall be accepted by the state board unless such application contains assurances that at least one person responsible for plant operations meets or will meet operator training qualifications, adopted pursuant to Chapter 9 (commencing with Section 13625) of this division, for the proposed plant, as well as the plant in current operation.

SEC. 13. Section 13805 of the Water Code is amended to read:

13805. If a county or city fails to adopt an ordinance establishing water well and cathodic protection well construction, maintenance, abandonment, and destruction standards within 120 days of receipt of the regional board's report of its determination that such standards are necessary pursuant to Section 13802, or fails to adopt or modify such well standards in the manner determined as necessary by the regional board pursuant to Section 13804 within 90 days of receipt of the regional board's report, the regional board may adopt standards for water well and cathodic protection well construction, maintenance, abandonment, and destruction for the area. Such regional board well standards shall take effect 30 days from the date of their adoption by the regional board and shall be enforced by the city or county and have the same force and effect as if adopted as a county or city ordinance.

SEC. 14. Section 5803 is added to the Fish and Game Code, to read:

5803. No provision of this article is a limitation on the authority of the State Water Resources Control Board or any California Regional Water Quality Control Board to adopt and enforce additional discharge requirements or prohibitions.

CHAPTER 919

An act to amend Section 15503.5 of the Education Code, relating to school buildings.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 15503.5 of the Education Code is amended to read:

15503.5. "School building" as used in this article excludes any building which is used exclusively for warehouse, storage, garage, or districtwide administrative office purposes, into which pupils are not required to enter, and buildings utilized by adult schools or community colleges for off-campus, non-credit, voluntary adult education courses.

CHAPTER 920

An act relating to water pollution, and making an appropriation therefor.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session, during the fiscal year 1970-1971 only, the first two million dollars (\$2,000,000) of the oil revenue and dry gas revenue payable to the State of California under said act that year shall be deposited in the State Water Quality Control Fund, which deposit shall be in lieu of the deposit required by Section 12.2 of said act for the fiscal year 1970-1971.

Notwithstanding the provisions of Chapter 138, Statutes of 1964, First Extraordinary Session and the provisions of Public Resources Code Section 6217, during the 1970-1971 fiscal year only the amount to be deposited in the Central Valley Water Project Construction Fund pursuant to Section 12 of said Chapter 138 and subdivision (b) of Public Resources Code Section 6217 shall be twenty-three million dollars (\$23,000,000) rather than twenty-five million dollars (\$25,000,000); provided, however, that during the 1971-1972 fiscal year, the amount to be deposited in the Central Valley Water Project Construction Fund pursuant to Section 12 of Chapter 138, Statutes of 1964, First Extraordinary Session and subdivision (b) of Public Resources Code Section 6217 shall be twenty-seven million dollars (\$27,000,000) rather than twenty-five million dollars (\$25,000,000).

SEC. 2. The sum of two million dollars (\$2,000,000) is hereby appropriated from the State Water Quality Control Fund, from money deposited therein pursuant to Section 1 of this act, to the State Water Resources Control Board for expenditure for a loan to the Tahoe City Public Utility District of two million dollars (\$2,000,000), together with other funds available for such purpose, to permit such district to construct necessary sewage and storm drainage facilities to prevent and control water pollution in the north Lake Tahoe area served by such district. The provisions of Sections 13416 and 13417 of the Water Code shall not apply to any loan made pursuant to this section.

SEC. 3. No part of the appropriation made by this act shall be available for loan to the Tahoe City Public Utility District unless the Tahoe City Public Utility District executes an agreement with the State Water Resources Control Board under which it agrees to repay the amount of its loan, with interest, within 25 years following, at the election of the state board and with the concurrence of the Director of Finance, a 10-year moratorium on principal and interest payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net interest costs to the state on the sales of general obligation bonds of the state that occurred during the period of five calendar years immediately preceding the year in which the loan agreement is executed. However, when the applicable average of the net interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net interest costs.

SEC. 4. Notwithstanding the provisions of Section 3 of this act or any other provision of law, the Tahoe City Public Utility District shall sell any authorized but unissued bonds of the district and shall use such bond proceeds to immediately repay the amount of any loan made to the district pursuant to this act.

SEC. 5. The State Water Resources Control Board shall require the procedure, forms, and the submission of any information from the Tahoe City Public Utility District it may deem necessary or appropriate.

SEC. 6. All money received in repayment of loans under this act shall be paid to the State Treasurer and credited to the State Water Quality Control Fund.

SEC. 7. Sections 2 to 6, inclusive, of this act, applicable only to the watershed of Lake Tahoe, is necessary to meet the unique problems of water quality control presented by the population growth and development of the area in relation to Lake Tahoe's geographic location and the necessity to export any waste produced in the area out of the Lake Tahoe Basin.

CHAPTER 921

*An act to add Section 5026 to the Financial Code,
relating to legal investments.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5026 is added to the Financial Code, to read:

5026. Subject to the provisions of Section 6712, loans secured by real property held by an association are proper and legal investments for any public or private pension fund, credit union, labor union fund, or public employee association and may be purchased by such institutions directly from an association. Nothing in this section shall be construed as altering any limits imposed by law on the extent of participation in an investment which is made by any entity covered by this section.

CHAPTER 922

*An act to amend Section 3547 of the Public Utilities
Code, relating to highway carriers.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3547 of the Public Utilities Code is amended to read:

3547. The commission shall regulate the leasing of motor vehicles by highway carriers to other highway carriers or to city carriers or to any other persons or corporations.

CHAPTER 923

*An act to maintain the Vehicle Code by amending Sections
9410, 9807, 16484, 16553, 24600, 25802, 31600, 36110, and
40000, the heading of Article 13 (commencing with Section
25650), Chapter 2, Division 12, and the heading of Article
3 (commencing with Section 42050), Chapter 1, Division 18,
and repealing Section 42271.5 thereof, relating to vehicles.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9410 of the Vehicle Code is amended to read:

9410. One commercial vehicle which is registered to a person who qualifies for the exemption provided for in Section 22511.5 is exempted from the weight fees provided for in Section 9400.

SEC. 2. Section 9807 of the Vehicle Code is amended to read:

9807. When the department determines that the cost of collection of any fee, penalty, or both, by seizure and sale as provided will exceed the proceeds to be realized therefrom the department need not pursue this method of collection. The provisions of this section shall be limited to vehicles of a value of one hundred dollars (\$100) or less as appraised by an officer or employee of the Department of Motor Vehicles or the Department of the California Highway Patrol. The department shall indicate its intention to refrain from collection of fees or penalties by seizure and sale as provided herein by affixing an appropriate notice to each vehicle concerned.

SEC. 3. Section 16484 of the Vehicle Code is amended to read:

16484. Except when a nonresident minor's certificate or minor's license is canceled as required by Sections 12504 and 17704, respectively, whenever any evidence of proof of ability to respond in damages filed by any person under the provisions of this code no longer fulfills the purpose for which required, the department shall require other evidence of ability to respond in damages as required by Article 1 (commencing with Section 16430) and shall suspend the privilege of the person to operate a motor vehicle upon a highway. The suspension shall also include the registration card and license plates issued for all motor vehicles registered in the name of the person if the original suspension resulted from an unsatisfied judgment. The suspension shall remain in effect until adequate proof of ability to respond in damages is filed with the department by the person.

SEC. 4. Section 16553 of the Vehicle Code is amended to read:

16553. The department shall suspend the registration of all vehicles except vehicles subject to regulation by the Public Utilities Commission, which are registered in the name of any person convicted of violating Section 16552 immediately upon receipt of a duly certified abstract of the record of the court in which the person was convicted.

The suspension shall remain in effect and no such vehicle shall be registered in the name of the person until he gives the department proof of his ability to respond in damages as required in Section 16550.

SEC. 5. Section 24600 of the Vehicle Code is amended to read:

24600. During darkness every motor vehicle which is not in combination with any other vehicle and every vehicle at the end of a combination of vehicles shall be equipped with lighted taillamps mounted on the rear as follows:

(a) Every such vehicle shall be equipped with one or more taillamps.

(b) Every such vehicle, other than a motorcycle, manufactured and first registered on or after January 1, 1958, shall be equipped with not less than two taillamps.

(c) Every such vehicle or vehicle at the end of a combination of vehicles, subject to subdivision (a) of Section 22406 shall be equipped with not less than two taillamps.

(d) When two taillamps are required, at least one shall be mounted at the left and one at the right side respectively at the same level.

(e) Taillamps shall be red in color and shall be plainly visible from all distances within 500 feet to the rear except that taillamps on vehicles manufactured after January 1, 1969, shall be plainly visible from all distances within 1,000 feet to the rear.

(f) Taillamps on vehicles manufactured on or after January 1, 1969, shall be mounted not lower than 15 inches nor higher than 72 inches.

SEC. 6. The heading of Article 13 (commencing with Section 25650) of Chapter 2 of Division 12 of the Vehicle Code is amended to read:

Article 13. Headlamps on Motorcycles and Motor-Driven Cycles

SEC. 7. Section 25802 of the Vehicle Code is amended to read:

25802. The provisions of Sections 24002, 24005, 24250, 24251, 24400 through 24404, inclusive, 24600 through 24604, inclusive, 24606 through 24610, inclusive, 24012, Articles 4, 5, 6, 9, 11, and 13 (commencing with Sections 24800, 24950, 25100, 25350, 25450, and 25650, respectively) of Chapter 2 of this division, Chapters 3, 4, and 5 (commencing with Sections 26300, 26700 and 27000, respectively) of this division, and the provisions of Chapters 2, 3, 4, and 5, (commencing with Sections 29200, 29800, 30800, and 31300, respectively) of Division 13 shall not apply to any vehicle of a type subject to registration under this code which is not designed, used or maintained for the transportation of persons or property and which is only incidentally operated or moved over a highway; but any such vehicle shall be subject to the provisions of Sections 2800, 2806, 24004, 25260, 25803, 25950, 25952, 26457, 27454, 27602, 31500, 40150, and Article 12 (commencing with Section 25500) of Chapter 2 of this division

SEC. 8. Section 31600 of the Vehicle Code is amended to read:

31600. For the purposes of this division, the term "explosive" or "explosives" shall mean any substance, or combination thereof, that is commonly used for the purpose of

detonation and which, upon exposure to any external force or condition, is capable of a relatively instantaneous release of gas and heat. The term "explosive" or "explosives" shall include, but shall not necessarily be limited to, all of the following:

(a) Substances determined to be class A or class B explosives as classified by the Interstate Commerce Commission.

(b) Nitro carbo nitrates (blasting agents) substances as classified by the Interstate Commerce Commission.

(c) Any substance meeting the provisions of this section when designated as class A or class B in regulations adopted by the State Fire Marshal in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code. Such designations shall be made pursuant to classification standards established by the Interstate Commerce Commission.

(d) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of .75 caliber or less, nor any other class C explosives as classified by the Interstate Commerce Commission.

(e) This division shall not apply to special fireworks classified by the Interstate Commerce Commission as class B explosives when such special fireworks are regulated by and in conformance with Part 2 (commencing with Section 12500) of Division 11 of the Health and Safety Code.

SEC. 9. Section 36110 of the Vehicle Code is amended to read:

36110. (a) "Farm trailers," as defined in Section 36010, having a gross weight of 6,000 pounds or less, are exempt from registration except that Section 36125 shall apply to such trailers.

(b) "Farm trailers," as defined in Section 36010, having a gross weight of more than 6,000 pounds are subject to registration but may pay the additional fees required by Section 9400 for a period of three consecutive months as provided in Section 9700.

SEC. 10. Section 40000 of the Vehicle Code is amended to read:

40000. It is unlawful and constitutes an infraction for any person to violate, or to fail to comply with, any provision of this code, or any local ordinance adopted pursuant to this code, except:

(a) A violation expressly declared to be a felony, or a public offense which is punishable either as a felony or misdemeanor.

(b) A violation of any of the following provisions, which shall constitute a misdemeanor:

Section 20, relating to false statements.

Section 27, relating to impersonating a member of the California Highway Patrol.

Section 31, relating to giving false information.

Section 2800, relating to failure to obey an officer's lawful order or submit to a lawful inspection.

Section 2801, relating to failure to obey a fireman's lawful order.

Section 2803, relating to unlawful vehicle or load.

Section 2815, relating to failure to obey a crossing guard's traffic signal or direction.

Section 5901, relating to dealers giving notice.

Section 10501, relating to false report of vehicle theft.

Sections 10750 and 10751, relating to altered or defaced vehicle identifying numbers.

Section 10851.5, relating to theft of binder chains.

Sections 10852 and 10853, relating to injuring or tampering with a vehicle.

Section 10854, relating to unlawful use of stored vehicle.

Division 5 (commencing with Section 11100), relating to occupational licensing and business regulations.

Section 12500, subdivision (a), relating to unlicensed drivers.

Section 12951, subdivision (b), relating to refusal to display license.

Section 13004, relating to unlawful use of identification card.

Section 14601, relating to driving when suspended.

Section 14601.1, relating to driving when suspended.

Section 14610, relating to unlawful use of driver's license.

Section 15501, relating to use of false or fraudulent license by minor.

Section 16560, relating to interstate highway carriers.

Section 20002, relating to duties at accidents.

Division 11 (commencing with Section 21000) except Chapters 1 (commencing with Section 21000), 9 (commencing with Section 22500), 10 (commencing with Section 22650), and 11 (commencing with Section 22950).

Division 14 (commencing with Section 31600), relating to transportation of explosives.

Division 14.5 (commencing with Section 33000), relating to transportation of radioactive materials.

Division 14.7 (commencing with Section 34001), relating to flammable liquids.

Section 34506, subdivision (a), relating to transportation of hazardous materials.

Section 40005, relating to owner's responsibility.

Section 40504, relating to false signatures.

Section 40508, relating to failure to appear or to pay fine.

Section 40519, relating to failure to appear.

Section 42003, relating to violation of a written promise.

Section 42005, relating to failure to attend traffic school.

SEC. 11. The heading of Article 3 (commencing with Section 42050) of Chapter 1 of Division 18 of the Vehicle Code is amended to read:

**Article 3. Driver Training and Peace Officers'
Training Penalty Assessments**

SEC. 12. Section 42271.5 of the Vehicle Code is repealed.

SEC. 13. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended or repealed by this act, shall prevail over this act.

CHAPTER 924

An act to maintain the Streets and Highways Code by amending Sections 135.3, 186.95, 888.4, and 2008, relating to streets and highways.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 135.3 of the Streets and Highways Code is amended to read:

135.3. The Legislature intends by this act to provide prompt and equitable relocation assistance to low-income individuals and families displaced because of the construction of state highway projects in areas where the market value of real property is economically depressed. The Legislature by establishing a replacement housing program for such individuals and families intends to accomplish this objective of providing housing which is decent, safe, sanitary, and functionally equivalent to the housing eliminated by highway construction. Such replacement housing program shall be coordinated with the relocation advisory assistance provided by the department in accordance with Section 156.5. The Legislature further intends that to the extent the department deems feasible such housing shall be supplied by existing housing, moved housing, and refurbished housing before new replacement housing is constructed on a volume basis.

The Legislature finds that the foregoing objectives can best be achieved by enabling low-income persons in economically depressed areas affected by state highway construction to participate in the development and execution of the replacement housing program. Accordingly, when the initial replacement housing program is undertaken for the assistance of persons displaced by the construction of State Highway Route 105 in Los Angeles County, such program shall be conducted in a manner conducive to maximum community participation, thereby assisting in alleviation of excessive unemployment by utilizing local labor and contributing to the development of training programs for unskilled labor.

The Legislature further finds that conventional contracting procedures, including competitive bidding, may not be con-

sistent with the attainment of these objectives. Therefore, in carrying out this initial replacement housing program on State Highway Route 105, the department may enter into the contracts contemplated by Section 135.7 pursuant to such procedures as the director determines to be best suited to the achievement of the maximum community participation consistent with the economical completion of the freeway projects.

The Legislature further finds and declares that the exemption from competitive bidding authorized by this section is made by reason of the unique nature of the initial replacement housing program on State Highway Route 105, and is not to be considered as establishing a precedent for exempting any other public works construction from competitive bidding and other conventional contracting procedures, nor as in derogation of the fundamental policy of the Legislature that contractors for public works be selected by competitive bidding in order to secure economy of construction and other benefits which accrue to the public by reason of such contracting procedures.

Sec. 2. Section 186.95 of the Streets and Highways Code is amended to read:

186.95. The Street and Highway Disaster Fund is hereby created in the State Treasury, to consist of the moneys referred to in Section 186.9.

The moneys in the Street and Highway Disaster Fund, which are appropriated by Section 186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the fund pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to local streets, roads and bridges from storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards and to accommodate present traffic.

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged

or destroyed by any disaster to present-day standards and to accommodate present traffic; and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the State Highway Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster to present-day standards and to accommodate present traffic.

(d) Any money in the fund not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Disaster Fund upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six months in such installments as may be agreed upon by the Department of Finance and the Department of Public Works.

(e) The sum of two million six hundred ninety-two thousand two hundred fifty dollars (\$2,692,250) of the cash balance of the money in the fund under subdivision (c) shall be transferred by the Department of Finance to subdivision (b) for expenditure pursuant to that subdivision in such installments and at such times as may be determined to be necessary by the Department of Finance. In addition to the amount provided for in the preceding sentence, if the Department of Finance at any time determines that the estimated unallocated balance of the fund under subdivision (b) of this section is insufficient, together with the amount provided in the preceding sentence, to carry out the purposes authorized under subdivision (b), and the Department of Public Works determines that a portion of the estimated unallocated balance of the fund under subdivision (c), over and above the amount provided for in the preceding sentence, is not immediately

needed for carrying out the purposes of subdivision (c), the Department of Finance may transfer such portion to subdivision (b) for expenditures pursuant to that subdivision. Any amounts transferred pursuant to this subdivision shall not be required to be repaid.

(f) Notwithstanding any other provision of this section, money in the fund under subdivision (b) may be allocated by the State Allocation Board for expenditure pursuant to Section 54155 of the Government Code.

(g) Income from investment of moneys in the fund and all payments by local agencies in reimbursement of moneys disbursed from the fund, including deferred payments with interest, pursuant to Government Code Sections 54160 and 54161, and all other moneys deposited therein, pursuant to law, shall be available for expenditure, transfer and allocation pursuant to this section.

SEC. 3. Section 888.4 of the Streets and Highways Code is amended to read:

888.4. In the administration of parkways, the Department of Parks and Recreation may grant permits and easements pursuant to the provisions of Section 5012 of the Public Resources Code and issue revocable licenses or permits for rights-of-way across and upon parkway lands, or for the use of parkway lands by the owner or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations and conditions as it may determine to be consistent with the use of such lands for parkway purposes.

SEC. 4. Section 2008 of the Streets and Highways Code is amended to read:

2008. The board of supervisors shall fix the salary of the road commissioner. It shall be chargeable against the one thousand six hundred sixty-seven dollars (\$1,667) monthly apportionment to the county under subdivision (a) of Section 2104. Such road commissioner shall file with the county clerk a bond with sufficient sureties in such sum as may be required by the board of supervisors for the faithful and proper discharge of his duties as such road commissioner.

SEC. 5. Any section of any act enacted by the Legislature at its 1970 Regular Session prior or subsequent to the enactment of this act, which amends or repeals a section amended by this act, shall prevail over this act.

CHAPTER 925

An act to amend Section 3771 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3771 of the Public Utilities Code is amended to read:

3771. (a) The commission may, at the request of any highway permit carrier, suspend the operating permit of the carrier for a definite time during which it is unlawful for the carrier to conduct any operations as a highway permit carrier.

(b) Any highway permit carrier whose operating permit is suspended under this section shall pay to the commission a permit suspension fee of fifty dollars (\$50). Any amounts collected under this section shall be deposited in the Transportation Rate Fund.

SEC. 2. This act shall become operative on January 1, 1971.

CHAPTER 926

*An act to add Section 21116 to the Vehicle Code,
relating to motor vehicles.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 21116 is added to the Vehicle Code, to read:

21116. (a) No person shall drive any motor vehicle upon a roadway located on a levee, canal bank, natural watercourse bank, or pipeline right-of-way if the responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way is vested in the state or in a reclamation, levee, drainage, water or irrigation district, or other local agency, unless such person has received permission to drive upon such roadway from the agency responsible for such maintenance, or unless such roadway has been dedicated as a public right-of-way.

(b) For this section to be applicable to a particular levee, canal bank, natural watercourse bank, or pipeline right-of-way, the state or other agency having responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way shall erect or place appropriate signs giving notice that permission is required to be obtained to drive a motor vehicle thereon and giving notice of any special conditions or regulations that are imposed pursuant to this section and shall prepare and keep available at the principal office of the state agency or other agency affected or of the board of such agency, for examination by all interested persons, a written statement, in conformity with the existing rights of such agency to control access to the roadway, describing the nature of the vehicles, if any, to which such permission might be granted and the conditions, regulations, and procedure for the acquisition of such permission adopted pursuant to this section.

CHAPTER 927

An act to amend Section 55350 of the Water Code, relating to county waterworks districts.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 55350 of the Water Code is amended to read:

55350. All contracts in excess of two thousand dollars (\$2,000) shall be let to the lowest responsible bidder, except that county waterworks districts may contract among themselves for furnishing labor, materials, or supplies required for any improvement mentioned in this division upon such terms and conditions as their boards may elect. With the approval of the board of supervisors and the board of directors of the district, if any, and upon the terms and conditions they may determine, all contracts, including those under two thousand dollars (\$2,000), may be let by the county purchasing agent in behalf of the district, subject, however, to the provisions of Article 7 (commencing with Section 25500) of Chapter 5, of Part 2, of Division 2, of Title 3 of the Government Code.

CHAPTER 928

An act to amend Section 1627 of, and to add Article 2.5 (commencing with Section 1640) to Chapter 4 of Division 2 of, the Business and Professions Code, relating to dentistry.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1627 of the Business and Professions Code is amended to read:

1627. It is unlawful for any person to engage in the practice of dentistry in the State of California, either privately or as an employee of a governmental agent or political subdivision, unless he has obtained a license or special permit from the board. The provisions of this act, however, shall not apply to practice by personnel of the Army or Navy or employees of the United States Public Health Service, Veterans' Administration or Indian Affairs when engaged in discharge of official duties.

The license of any dentist, existing at the time of the passage of this chapter, shall continue in force until it expires or is forfeited in the manner provided by this chapter.

SEC 2. Article 2.5 (commencing with Section 1640) is added to Chapter 4 of Division 2 of the Business and Professions Code, to read:

Article 2.5. Special Permits

1640. Any person meeting all the following eligibility requirements may apply for a special permit examination:

(a) Furnishing satisfactory evidence of having a pending contract with a California dental college approved by the board as a full-time professor, an associate professor, or an assistant professor.

(b) Furnishing satisfactory evidence of having graduated from a dental college approved by the board.

(c) Furnishing satisfactory evidence of having been certified as a diplomate of a specialty board or in lieu thereof establishing his qualifications to take a specialty board examination.

(d) Paying the fee for applicants for examination provided by this chapter.

(e) Furnishing satisfactory testimonials of good and moral character.

1641. The examination by the board for a special permit shall test the fitness of the applicant to practice a specialty recognized by the board.

1642. Every person to whom a special permit is issued shall be entitled to practice in the specialty field in which he has been examined by the board at the dental college at which he is employed and its affiliated institutions as approved by the board on the following terms and conditions:

(a) He shall file a copy of his employment contract with the board. The contract shall contain the following provision:

That applicant understands and acknowledges that when his full-time employment is terminated at the dental college, his special permit will be automatically revoked and that he will voluntarily surrender the permit to the board and will no longer be eligible to practice unless or until he has successfully passed the required licensure examination as provided in Article 2 (commencing with Section 1625) of this chapter.

(b) He shall be employed as a full-time professor, as associate professor, or an assistant professor at a California dental college approved by the board. "Full-time employment" as used in this section shall be considered a minimum of four days per week.

(c) He shall be subject to all the provisions of this chapter applicable to licensed dentists with the exception that the special permit must be renewed annually.

CHAPTER 929

An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35400 of the Vehicle Code is amended to read:

35400. (a) No vehicle shall exceed a length of 40 feet.

(b) This section does not apply to:

(1) A vehicle used in a combination of vehicles when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(2) A vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard regulations of this code.

(3) An articulated bus, except that such bus shall not exceed a length of 60 feet.

(4) An articulated trolley coach, except that such trolley coach shall not exceed a length of 50 feet.

(5) A semitrailer while being towed by a truck tractor, if the distance from the kingpin to the rearmost axle of the semitrailer does not exceed 38 feet, provided, that the semitrailer does not, exclusive of attachments, extend forward of the rear of the cab of the truck tractor.

CHAPTER 930

An act to add Sections 31105 and 31106 to the Water Code, relating to county water districts.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31105 is added to the Water Code, to read:

31105. A district may adopt ordinances relating to the provision of services and facilities pursuant to this article and the regulation of such services and facilities. Every such ordinance shall be in full force and effect forthwith upon adoption, but shall be published once in full in a newspaper of general circulation, printed, published and circulated in the district within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the district.

SEC. 2. Section 31106 is added to the Water Code, to read.

31106. From and after the posting or publication of any ordinance as provided in Section 31105 above, it shall be a misdemeanor for any person to violate any ordinance of the district adopted pursuant to Section 31105.

CHAPTER 931

An act to amend Section 186 of the Streets and Highways Code, relating to State Highway Fund expenditures.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 186 of the Streets and Highways Code is amended to read:

186. For general administration and for maintenance, the department and the commission shall be limited in expenditures, out of the money available each year in the State Highway Fund, to an amount not exceeding the net revenue derived from one and one-eighth cents (\$0.01125) per gallon tax on motor vehicle fuel and on the use of fuel under Part 3 (commencing with Section 8601) of Division 2 of the Revenue and Taxation Code. Of that amount the department shall expend such proportion as the commission determines is necessary for each of the following:

- (a) General administration purposes.
- (b) Maintenance of all state highways, including all traversable highways between the termini of and approximately on authorized state highway routes.
- (c) Maintenance of highways in state parks.

CHAPTER 932*An act relating to land for public purposes.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Section 25550.7 of the Government Code to the contrary, in any county of over 6,000,000 population, the county and a city may agree to a modification of agreement as provided in that section without the requirement that the city agree to devote the land released by the modification to public purposes; provided, that such agreement is made on or before December 31, 1971.

CHAPTER 933

An act to amend Section 3123 of the Commercial Code, relating to state holidays.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3123 of the Commercial Code is amended to read:

3123. Every instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, Saturday or a holiday, the instrument is payable on the next succeeding business day which is not a Saturday. Where the day of maturity of the instrument falls on an optional bank holiday or the instrument would except for the foregoing provision be payable on an optional bank holiday and it is payable by or at a banking house or any branch or separate office thereof, and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on such optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on the optional bank holiday or on the next succeeding business day which is not a Saturday. An instrument payable on demand is not to be presented for payment on Sunday, Saturday, or a holiday but is to be presented for payment on the next succeeding business day which is not a Saturday, except that where the instrument is payable by or at a banking house or any branch or separate office thereof and the particular banking house or branch or separate office thereof by or at which the instrument is payable is open for the transaction of business on an optional bank holiday, the holder of the instrument may at his option present the instrument for payment at the banking house or branch or separate office thereof by or at which the instrument is payable on such optional bank holiday or on the next succeeding business day which is not a Saturday. For the purpose of this section an optional bank holiday is Good Friday commencing at 3 p.m. and every holiday referred to in Sections 6700 and 6701 of the Government Code, except the following: January 1st, July 4th, September 9th, known as "Admission Day," and December 25th, any Monday following any Sunday on which any such day falls, the last Monday in May, the first Monday in September, Good Friday from 12 noon until 3 p.m., the Thursday in November appointed as Thanksgiving Day, and every Sunday.

CHAPTER 934

An act to add Section 165.5 to the Vehicle Code, relating to emergency vehicles.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 165.5 is added to the Vehicle Code, to read:

165.5. No act or omission of any rescue team operating in conjunction with an authorized emergency vehicle as defined in Section 165, while attempting to resuscitate any person who is in immediate danger of loss of life, shall impose any liability upon the rescue team or the owners or operators of any authorized emergency vehicle, if good faith is exercised.

For the purposes of this section, "rescue team" means a special group of physicians and surgeons, nurses, volunteers, or employees of the owners or operators of the authorized emergency vehicle who have been trained in cardiopulmonary resuscitation and have been designated by the owners or operators of the emergency vehicle to attempt to resuscitate persons who are in immediate danger of loss of life in cases of emergency.

This section shall not relieve the owners or operators of any other duty imposed upon them by law for the designation and training of members of a rescue team or for any provisions regarding maintenance of equipment to be used by the rescue team.

Members of a rescue team shall receive such training in a program approved by, or conforming to, standards prescribed by an emergency medical care committee established pursuant to Article 1 (commencing with Section 1750) of Chapter 9 of Division 2 of the Health and Safety Code, or a voluntary area health planning agency established pursuant to Section 437.7 of the Health and Safety Code.

CHAPTER 935*An act to amend Sections 6757.5, 18882.5, and 26161.5 of the Revenue and Taxation Code, and to amend Sections 1703 and 1703.5 of the Unemployment Insurance Code, relating to liens.*

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6757.5 of the Revenue and Taxation Code is amended to read:

6757.5. Within the time allowed in Section 6757, the board may also file a certificate of state tax lien with the Secre-

tary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty, constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid as against a purchaser for value without actual knowledge of the lien.

SEC. 2. Section 18882.5 of the Revenue and Taxation Code is amended to read:

18882.5. The Franchise Tax Board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid, insofar as a beneficial interest under a mortgage or deed of trust is concerned, as against a purchaser of such interest for value without actual knowledge of the lien.

SEC. 3. Section 26161.5 of the Revenue and Taxation Code is amended to read:

26161.5. Within the time allowed in Section 26161, the Franchise Tax Board may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid, insofar as a beneficial interest under a mortgage or deed of trust is concerned, as against a purchaser of such interest for value without actual knowledge of the lien.

SEC. 4. Section 1703 of the Unemployment Insurance Code is amended to read:

1703. If an employing unit is delinquent in a payment of any contributions, penalties or interest provided for in this division, the director may, not later than three years after the payment became delinquent, or within 10 years after the last entry of a judgment under Section 1815, file for record in the office of any county recorder a certificate specifying the amount of contributions, interest and penalties due, the name and address as it appears on the records of the department of the employing unit liable for the same and the fact

that the department has complied with all provisions of this division in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid, together with interest and penalty, constitutes a lien upon all the property in the county owned by the person or acquired by him before the lien expires. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to all the property in such county for 10 years unless sooner released or otherwise discharged. A lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

SEC. 5. Section 1703.5 of the Unemployment Insurance Code is amended to read:

1703.5. Within the time specified in Section 1703, the director may also file a certificate of state tax lien with the Secretary of State pursuant to Chapter 14.5 (commencing with Section 7220) of Division 7 of Title 1 of the Government Code. From the time of the filing of the certificate with the Secretary of State, the amount required to be paid, together with interest and penalty, constitutes a lien upon all personal property in the state owned by the person or afterwards acquired by him until the certificate of state tax lien lapses. The lien has the force, effect and priority of a judgment lien. A lien imposed by this section shall not be valid as against a purchaser for value without actual knowledge of the lien.

SEC. 6. The provisions of this act shall become operative on January 1, 1971, and shall apply to liens filed on and after such date.

CHAPTER 936

An act to amend Sections 1269b and 1305 of Penal Code, relating to bail.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1269b of the Penal Code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody, an officer of a sheriff's department or police department of a city who is in charge of a jail and is acting under an agreement with the agency which keeps the jail wherein an arrested person is held in custody, the

clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed, and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor and infraction offenses. It shall contain a list of such offenses and the amounts of bail applicable thereto as the judges determine to be appropriate. If the schedule does not list all misdemeanor and infraction offenses specifically, it shall contain a general clause for misdemeanors and a separate one for infractions providing for designated amounts of bail as the judges of the county determine to be appropriate for all such offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

(d) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

SEC. 2. Section 1305 of the Penal Code is amended to read:

1305. (a) If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars (\$50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond, and shall execute an affidavit of such mailing and place it in the court's file in the case. If the surety is an authorized corporate surety insurer, and if the bond has plainly printed or stamped thereon the address of its principal office in California, such notice shall be mailed to such surety at such address, and mailing to the bail agent or solicitor who posted the bond shall not constitute compliance with this section; the clerk shall at the same time send a copy of such notice to the bail agent or solicitor who posted the bond. If the clerk fails to mail such notice within 30 days after such entry, the surety or depositor shall be released from all obligations under the bond. But if at any time within 180 days after such entry in the minutes or, if mailing of notice of forfeiture is required, within 180 days after mailing such notice of forfeiture, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such

entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is dead or is otherwise permanently unable to appear in court due to illness, insanity, or detention by civil or military authorities, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within 180 days after such entry in the minutes or mailing as the case may be, it is made to appear to the satisfaction of the court that the defendant is temporarily disabled by reason of illness, insanity, or detention by civil or military authorities and is therefore unable to appear in court at any time during the remainder of such 180 days, and that the absence of the defendant has not been with the connivance of the bail, then the period of time during which the disability continues shall not be deemed part of such 180 days. Upon a finding by the court that a reasonable period of time is necessary in order to return the defendant to court upon the termination of the disability, then such period of time, as fixed by the court, shall not be deemed part of such 180 days. If at any time within 180 days after such entry in the minutes or mailing as the case may be, the bail should surrender the defendant to the court or to custody, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just.

No order discharging the forfeiture of the undertaking or deposit shall be made without opportunity for hearing and the filing of a notice of motion for such order setting forth the basis for relief, with proof of service upon the district attorney or other representative of the people at least 10 days prior to the time set for hearing of the motion and otherwise in compliance with the provisions of Section 1010 of the Code of Civil Procedure. Such notice may be given by the surety insurer, its bail agent, the surety, or depositor of money, any of whom may give such notice and appear either in person or by attorney. Such notice of motion must be filed within 180 days after such entry in the minutes or mailing as the case may be, and must be heard and determined within 30 days after the expiration of such 180 days, unless the court for good cause shown, shall extend the time for hearing and determination.

(b) If, without sufficient excuse, the defendant neglects to appear for arraignment, trial, judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, but the court has reason to believe that sufficient excuse may exist for his neglect to appear or surrender himself, the court may continue the case for such period as it deems reasonable to enable the defendant to appear without ordering a forfeiture of bail or issuing a bench warrant.

CHAPTER 937

An act to add Section 1756 to, and to repeal Sections 1128, 1129, and 1756 of, the Welfare and Institutions Code, relating to correctional schools.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1128 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 1129 of the Welfare and Institutions Code is repealed.

SEC. 3. Section 1756 of the Welfare and Institutions Code is repealed.

SEC. 4. Section 1756 is added to the Welfare and Institutions Code, to read:

1756. Notwithstanding any other provision of law, if, in the opinion of the Director of the Youth Authority, the rehabilitation of any mentally disordered, or mentally deficient person confined in a state correctional school may be expedited by treatment at one of the state hospitals under the jurisdiction of the Department of Mental Hygiene, the Director of the Youth Authority shall certify that fact to the Director of Mental Hygiene who may authorize receipt of such person at one of such hospitals for care and treatment. Upon notification from the Director of Mental Hygiene that the person will no longer benefit from further care and treatment in the state hospital, the Director of the Youth Authority will immediately send for, take and receive the person back into a state correctional school. Any person placed in a state hospital under this section who is committed to the authority shall be released from the hospital upon termination of his commitment unless a petition for detention of such person is filed under the provisions of Part 1 (commencing with Section 5000) of Division 5.

CHAPTER 938

An act to amend Section 12031 of the Penal Code, relating to firearms.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 12031 of the Penal Code is amended to read:

12031. (a) Except as provided in subdivision (b), every person who carries a loaded firearm on his person or in a vehicle while in any public place or on any public street in an incorporated city or in any public place or on any public

street in a prohibited area of unincorporated territory is guilty of a misdemeanor.

(b) Subdivision (a) shall not apply to any of the following:

(1) Peace officers listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.3, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(2) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(3) Members of the military forces of this state or of the United States engaged in the performance of their duties.

(4) Persons who are using target ranges for the purpose of practice shooting with a firearm, or who are members of shooting clubs while hunting on the premises of such clubs.

(5) Patrol special police officers appointed by the police commission of any city, county, or city and county under the express terms of its charter who also under the express terms of the charter (i) are subject to suspension or dismissal after a hearing on charges duly filed with the commission after a fair and impartial trial, (ii) must be not less than 21 years of age nor more than 40 years of age, (iii) must possess physical qualifications prescribed by the commission, and (iv) are designated by the police commission as the owners of a certain beat or territory as may be fixed from time to time by the police commission.

(6) The carrying of concealable weapons by persons who are authorized to carry such weapons pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4 of the Penal Code.

(7) Private investigators, private patrol operators, and operators of a private patrol service who are licensed pursuant to Chapter 11 (commencing with Section 7500) of Division 3 of the Business and Professions Code, while acting within the course and scope of their employment.

(8) The carrying of weapons by animal control officers or zookeepers, regularly compensated as such by a governmental agency when acting in the course and scope of their employment and when designated by a local ordinance or, if the governmental agency is not authorized to act by ordinance, by a resolution, either individually or by class, to carry such weapons, or by persons who are authorized to carry such weapons pursuant to Section 607f of the Civil Code, while actually engaged in the performance of their duties pursuant to such section.

(9) Harbor policemen designated pursuant to Section 663.5 of the Harbors and Navigation Code.

(10) Uniformed security guards or night watchmen employed by any public agency, while acting within the scope and in the course of their employment.

(11) Uniformed security guards, regularly employed and compensated as such by persons engaged in any lawful business, while actually engaged in protecting and preserving the property of their employers.

(c) In order to determine whether or not a firearm is loaded for the purpose of enforcing this section, peace officers are authorized to examine any firearm carried by anyone on his person or in a vehicle while in any public place or on any public street in an incorporated city or prohibited area of an unincorporated territory. Refusal to allow a peace officer to inspect a firearm pursuant to the provisions of this section constitutes probable cause for arrest for violation of this section.

(d) As used in this section "prohibited area" means any place where it is unlawful to discharge a weapon.

(e) A firearm shall be deemed to be loaded for the purposes of this section when there is an unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm; except that a muzzle-loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.

(f) Nothing in this section shall prevent any person engaged in any lawful business, including a nonprofit organization, or any officer, employee, or agent authorized by such person for lawful purposes connected with such business, from having a loaded firearm within such person's place of business, or any person in lawful possession of private property from having a loaded firearm on such property.

(g) Nothing in this section shall prevent any person from carrying a loaded firearm in an area within an incorporated city while engaged in hunting, during such time and in such area as the hunting is not prohibited by the city council.

(h) Nothing in this section is intended to preclude the carrying of any loaded firearm, under circumstances where it would otherwise be lawful, by a person who reasonably believes that the person or property of himself or another is in immediate danger and that the carrying of such weapon is necessary for the preservation of such person or property.

(i) Nothing in this section is intended to preclude the carrying of a loaded firearm by any person while engaged in the act of making or attempting to make a lawful arrest.

(j) Nothing in this section shall prevent any person from having a loaded weapon, if it is otherwise lawful, at his place of residence, including any temporary residence or campsite.

CHAPTER 939

An act to amend Section 35005 of, and to add Section 71813 to, the Water Code, relating to water districts.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 35005 of the Water Code is amended to read:

35005. No appointment of a proxy shall be valid, accepted, or vote allowed thereon at any district election unless it meets all of the following requirements:

(a) It is in writing.

(b) It is executed by the person or legal representative of the person who, in accordance with the provisions of Section 35003, is entitled to the votes for which the proxy is given.

(c) It is acknowledged, or certified in accordance with Section 2015.5 of the Code of Civil Procedure.

(d) It specifies the election at which it is to be used. An appointment of a proxy shall be used only at the election specified.

Every appointment of a proxy is revocable at the pleasure of the person executing it at any time before the person appointed as proxy shall have cast a ballot representing the votes for which the appointment was given.

SEC. 2. Section 71813 is added to the Water Code, to read:

71813. A district, in addition to any negotiable promissory notes issued pursuant to Section 71811 or Section 71812 and to the limitations contained therein, may issue bond anticipation notes to accomplish the purposes of an improvement district formed pursuant to Chapter 3 (commencing with Section 71870) or Chapter 4 (commencing with Section 71920) of Part 7 of this division. The aggregate principal amount of any such notes outstanding issued for purposes of any such improvement district shall be at all times limited to the amount of bonds of such improvement district duly authorized for such purposes, but unissued and in no event shall exceed 30 percent of the total assessed valuation of said improvement district. The proceeds of the issuance and sale of any such improvement district bonds shall be first applied to the discharge of notes issued for the purposes of such improvement district pursuant to this section. The district shall at least semiannually following initial issuance of bond anticipation notes for any improvement district, publicly offer for sale, and if no bids are received, attempt to negotiate privately the sale of the authorized and as yet unsold bonds of each improvement district for which such notes have been issued. The board may, upon issuance of such notes pursuant to this section provide that, pending the discharge of such notes through the issuance of bonds, the district

shall be repaid for funds advanced from the proceeds of such notes for improvement district purposes in five equal annual installments, with interest not to exceed 7 percent per year, from taxes levied exclusively upon the taxable property in the improvement district.

CHAPTER 940

An act to amend Section 5096.26 of the Public Resources Code, relating to beaches and parks.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5096.26 of the Public Resources Code is amended to read:

5096.26. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and received on behalf of the state by the appropriate department head with the approval of the Director of Finance. All federal grants (except those made to political subdivisions of the state) for outdoor recreation purposes which result from the expenditure of state funds under this chapter shall be deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided in Section 5096.15 of this chapter.

CHAPTER 941

An act to add Section 12427 to, and to repeal Section 12427 of, the Government Code, relating to the Department of Finance.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12427 of the Government Code is repealed.

SEC. 2. Section 12427 is added to the Government Code, to read:

12427. The Controller shall make an annual financial analysis of the records of the Department of Finance to ascertain the following:

1. The accuracy of the department's revenue estimates, both those contained in the Governor's Budget, and subsequent revisions.

2. The accuracy and completeness of the department's estimates and statements on the financial condition of the state.

3. The accuracy of the department's cash flow estimates, borrowing needs, and financial resources.

4. Whether past expenditures were consistent with legislative intent.

The Controller shall submit his report with his findings and recommendations to the Legislature not later than February 15th of each year.

CHAPTER 942

An act to amend Section 3737 of the Public Utilities Code, relating to transportation.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3737 of the Public Utilities Code is amended to read:

3737. Upon the issuance by the commission of any decision or order made applicable to a particular class or group of carriers, or to particular commodities transported or areas served, the commission shall only be required to serve a copy of the decision or order without charge upon each party appearing in the case or proceeding resulting in such decision or order. Upon the issuance of a permit to operate as a highway carrier, the carrier shall obtain copies of each tariff, decision, or order previously issued that is then applicable to the class or classes of transportation service authorized by the permit. Thereafter, the carrier shall maintain copies of all tariffs, decisions or orders subsequently issued that are currently applicable to the class or classes of transportation service authorized by the permit, and shall observe any tariff, decision, or order applicable to it.

The commission shall arrange to furnish copies of any tariff, decision or order previously issued that is currently applicable to the class or classes of transportation service each highway carrier is authorized to perform. For such service the commission shall establish a reasonable schedule of charges, not to exceed cost, for individual tariffs, decisions and orders as well as annual charges for tariffs, decisions and orders applicable to each class of transportation service.

The commission shall, after thirty (30) days written notice, revoke the permit of any carrier failing to obtain and maintain currently applicable tariffs, decisions and orders.

CHAPTER 943

An act to amend Section 4602 of the Vehicle Code, relating to motor vehicle registration.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4602 of the Vehicle Code is amended to read:

4602. Application for renewal of a vehicle registration expiring on the 31st day of December shall be made by the owner not later than midnight of the first Friday in February succeeding the expiration date and shall be made by presentation of the registration card last issued for the vehicle or by presentation of a potential registration card issued by the department for use at the time of renewal and by payment of the full annual fee for the vehicle as provided in this code.

CHAPTER 944

An act to amend Section 1355.1 of the Financial Code, to amend Section 53651 of the Government Code, and to add Section 29293 to the Public Utilities Code, relating to transit district bonds.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1355.1 of the Financial Code is amended to read:

1355.1. In the bonds of any flood control and water conservation districts, or any zone thereof, having an assessed valuation on taxable real property of not less than one million dollars (\$1,000,000), county, city and county, city, metropolitan water district, municipal utility district, any special district established by and within any municipal utility district, transit district, rapid transit district including sales tax revenue bonds of such district, metropolitan transit authority, flood control district, or school district of the State of California (herein referred to generally as public corporations) except the bonds of any particular such public corporation which may be declared ineligible for investment by savings banks by regulations of the superintendent; provided, an amount exceeding twenty-five (25) percent of the paid-up capital and surplus of the savings bank or exceeding two (2) percent of the bank's savings deposits, whichever is greater, may not be invested in the bonds of any one such public corporation.

SEC. 2. Section 53651 of the Government Code is amended to read:

53651. Eligible securities are any of the following:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, and in addition, sales tax revenue bonds, and revenue bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds, or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association or of the Government National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

(g) Notes, tax anticipation warrants or other evidence of indebtedness issued pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840) or Article 7.6 (commencing with Section 53850) of this Chapter 4.

SEC. 3. Section 29293 is added to the Public Utilities Code, to read:

29293. Notwithstanding any other statutory provision to the contrary, the district may pledge all or any part of income received under Section 29123 to the payment of any revenue bonds to be issued pursuant to Article 6 (commencing with Section 29240) of this chapter or the payment of any equipment trust certificates to be issued pursuant to Article 7 (commencing with Section 29250) of this chapter. Income so pledged may be declared in such pledge to be revenues of the enterprise for all purposes of the Revenue Bond Law of 1941, notwithstanding anything to the contrary therein contained.

CHAPTER 945

An act to amend Section 172g of the Penal Code, relating to alcoholic beverages.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 172g of the Penal Code is amended to read:

172g. 1. Every person who, within one mile of that portion of the grounds of La Verne College (as determined by the County of Los Angeles to be tax exempt for educational purposes), or within one mile by air line from the intersection of Sierra Vista, Pierce, and Campus Drive streets at the entrance to La Sierra College in the City of Riverside, or within one mile of the grounds or campus of Loma Linda University in the County of San Bernardino, or within one mile of the grounds of the University of Santa Clara in the City of Santa Clara, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100), or by imprisonment in the county jail of not less than 50 days nor more than one year, or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question except those applying to La Sierra College.

CHAPTER 946

An act to add Sections 18053 and 18106 to the Government Code, relating to state personnel.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18053 is added to the Government Code, to read:

18053. Any employee of a state college who, immediately prior to becoming such employee was an employee of a state college auxiliary organization as provided in Section 24054 of the Education Code and whose functions and employment were, subsequent to January 1, 1969, transferred to and assumed by a state college, shall be entitled to accumulate credit for vacation at the rate to which he would have been entitled if his employment by such state college auxiliary organization had been employment by a state college.

SEC. 2. Section 18106 is added to the Government Code, to read:

18106. Any employee of a state college who, immediately prior to becoming such employee, was an employee of a state college auxiliary organization as provided in Section 24054 of the Education Code and whose functions and employment were, subsequent to January 1, 1969, transferred to and assumed by a state college, shall be entitled to retain accumulated sick leave, and to accumulate sick leave credit, as if his employment by such state college auxiliary organization had been employment by a state college.

CHAPTER 947

An act to amend Sections 1 and 11 of Chapter 1942 of the Statutes of 1961, relating to the replenishment of ground waters in the Alameda County Water District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1942 of the Statutes of 1961 is amended to read:

Section 1. The following definitions apply to the words used in this act:

(a) "District" means the Alameda County Water District (organized pursuant to the County Water District Law, commencing with Section 30000 of the Water Code).

(b) "Water year" means the period commencing on July 1st of one calendar year and ending on June 30th of the calendar year immediately following.

(c) "Ground water" means the water beneath the surface of the ground, whether or not flowing through known and definite channels.

(d) "Nonsaline water" means water, the salinity of which does not exceed the tolerance generally accepted within the district for salinity of water used for domestic or agricultural purposes therein.

(e) "Production" or "producing" means the extraction or extracting of ground water, by pumping or any other method from shafts, tunnels, wells, excavations, or other sources of ground water for domestic, municipal, irrigation, industrial, or other beneficial use, except that such terms shall not mean or include the extraction or extracting of ground water incidentally produced with oil in the production of oil or gas, nor the extraction or extracting of ground water incidentally produced in a bona fide mining operation or construction of a tunnel or railroad, highway, aqueduct, pipeline, or other useful purpose unless the ground water so extracted shall be used or sold by the producer for domestic, municipal, irrigation, industrial, or other beneficial purpose.

(f) "Water-producing facility" means any device or method, mechanical or otherwise, for the production of ground water from the ground water supplies within the district.

(g) "Owner" means the person or persons owning any water-producing facility or any interest therein other than a lien to secure the payment of a debt or other obligation.

(h) "Operator" means the person or persons operating a water-producing facility; the owner thereof shall be conclusively presumed to be such operator unless satisfactory showing be made to the board of directors of the district that such water-producing facility actually is operated by some other person or persons.

(i) "Producer" means any operator producing ground water.

(j) "Annual overdraft" means the amount, as determined by the board of directors of the district, by which the quantity of ground water removed by any natural or artificial means from the ground water supplies within the district during the water year exceeds the quantity of nonsaline water replaced therein by the replenishment of such ground water supplies in such water year by any natural or artificial means other than replenishment under the provisions of this act.

(k) "Accumulated overdraft" as used in this act means the amount of water necessary to be replaced in the intake area of the ground water basin within said district to prevent the landward movement of ocean water into the fresh ground water body, as determined by the board of directors from time to time.

(l) "Existing agency" means any public corporation, agency, district, or political subdivision, now or hereafter created, which has any of the powers granted the Alameda County Water District by this act.

(m) "Agricultural or recreational water" means water first used on lands in the production of plants, crops, or livestock for market, or on municipally owned and operated lands used for parks or recreational purposes.

SEC. 2. Section 11 of Chapter 1942 of the Statutes of 1961 is amended to read:

Sec. 11. Based on the findings at the hearing the board shall, by resolution, determine what portion, if any, of the estimated cost of purchasing water for replenishment for the ensuing fiscal year shall be paid for by a replenishment assessment.

If the board determines that a replenishment assessment should be levied upon the production of ground water from ground water supplies within the district during the ensuing fiscal year, then immediately following the making of such determination said board shall levy a replenishment assessment on the production of ground water from the ground water supplies within the district during the fiscal year commencing on July 1st next, and such replenishment assessment shall be computed at a fixed and uniform rate per acre-foot of agricultural or recreational water up to a maximum of eight dollars (\$8) per acre-foot, and at a fixed and uniform rate per acre-foot of all water other than agricultural or recreational water. The producers of such ground water shall pay such replenishment assessment to the district at the times and in the manner hereinafter in this act provided.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The public peace, health and safety requires that the Alameda County Water District be permitted at the earliest possible time to compute replenishment assessments on ground water production for water used for agricultural or recreational purposes at a different rate than for water used for other than agricultural or recreational purposes. It is necessary, therefore, that this act go into immediate effect.

CHAPTER 948

An act to amend Section 16175 of the Education Code, relating to the exchange of real property.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16175 of the Education Code is amended to read:

16175. The governing board of a school district may exchange any of its real property for real property of another person or private business firm. Any exchange shall be upon such terms and conditions as the parties thereto may agree and may be entered into without complying with any provisions in this code except as provided in this article.

CHAPTER 949

An act to amend Sections 1452, 1605, 1612, 1660, and 11105 of, to add Section 12931 to, and to repeal Sections 1606, 1607, 1613, 1614, and 1615 of, the Insurance Code, relating to insurance.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1452 of the Insurance Code is amended to read:

1452. Process may be served upon the commissioner as provided in Article 1 (commencing with Section 12919) of Chapter 2 of Division 3.

SEC. 2. Section 1605 of the Insurance Code is amended to read:

1605. Service may be made upon the commissioner under the circumstances described in the agreement or stipulation provided for by this article and in the manner provided in Article 1 (commencing with Section 12919) of Chapter 2 of Division 3.

SEC. 3. Section 1606 of the Insurance Code is repealed.

SEC. 4. Section 1607 of the Insurance Code is repealed.

SEC. 5. Section 1612 of the Insurance Code is amended to read:

1612. Such service of process may be made as provided in Article 1 (commencing with Section 12919) of Chapter 2 of Division 3.

SEC. 6. Section 1613 of the Insurance Code is repealed.

SEC. 7. Section 1614 of the Insurance Code is repealed.

SEC. 8. Section 1615 of the Insurance Code is repealed.

SEC. 9. Section 1660 of the Insurance Code is amended to read:

1660. The stipulation and agreement referred to in Section 1659 shall give jurisdiction over, and shall be binding pursuant to its terms upon, the person executing it.

Service may be made upon the commissioner under the circumstances described in the agreement or stipulation and in

the manner as provided in Article 1 (commencing with Section 12919) of Chapter 2 of Division 3.

Sec. 10. Section 11105 of the Insurance Code is amended to read:

11105. Service may be made as provided in Article 1 (commencing with Section 12919) of Chapter 2 of Division 3.

Sec. 11. Section 12931 is added to the Insurance Code, to read:

12931. (a) Service of legal process, notices or other papers described in or referred to by Section 1452, 1605, 1610, 1612, 1659, 1660, 11104 or 11105 may be made upon the commissioner in the instances enumerated in this section and under the circumstances prescribed in this section by delivering to the commissioner or his deputy two copies thereof for each person or party defendant so served accompanied by payment of ten dollars (\$10) for each such person or party, and by complying with the other provisions of this section.

(b) The situations under which such service may be so made and the circumstances under which these provisions apply are:

(1) Where for any reason the person desiring to have service so made elects to serve the commissioner instead of the attorney-in-fact, as stipulated pursuant to Section 1323, of a reciprocal or interinsurance exchange, domestic, foreign, admitted or nonadmitted.

(2) Where service is to be made on an admitted foreign or alien insurer, when service cannot be made on the principal statutory agent of such insurer duly appointed pursuant to Article 3 (commencing with Section 1600) of Chapter 4 of Part 2 of Division 1 for reasons specified in Section 1604 or otherwise recognized by law.

(3) In actions against nonadmitted insurers, including nonadmitted fraternal benefit societies and reciprocals, under the circumstances described in Article 4 (commencing with Section 1610) of Chapter 4 of Part 2 of Division 1. This provision shall not apply to actions brought under insurance policies or certificates issued by nonadmitted insurers placed by surplus line brokers or special lines surplus line brokers where such insurance contract names a resident of this state as agent for service of process.

(4) In the instances described by Section 1659 relating to nonresident California licensed insurance agents and nonresident California licensed insurance brokers.

(5) In actions involving admitted and formerly admitted fraternal benefit societies as described in Section 11104.

(c) Upon receipt of two copies of the process, notice or papers to be served and the fee above prescribed, the commissioner shall promptly mail one of the copies by certified mail to the defendant or person to be served at his last principal place of business known to the commissioner by his official records in the case of a licensee; otherwise, in the case of a nonadmitted insurer, to its last principal place of business

known to the commissioner from national directories or reference books or other reliable information available in the commissioner's office. He shall keep a record of all services made upon him pursuant to this section. The other copy of such process, notice or papers shall be retained among his official public records for a period not to exceed two years, absent special circumstances which in his judgment compel longer retention.

(d) Such service made in the manner provided for in this section is valid and sufficient and gives jurisdiction over the person of a nonadmitted or unauthorized defendant, provided notice of such service and a copy of the process, notice or papers being served are sent within 10 days thereafter by certified mail by plaintiff or plaintiff's attorney to the defendant at its last known principal place of business, and the receipt or the receipt of defendant's agent for such copy, showing the name of the sender and the name and address of the addressee-defendant thereon, and the affidavit of plaintiff or plaintiff's attorney showing compliance with this section, are filed with the clerk of the court in which such action is pending on or before the date the defendant is required to appear, or within such further time as the court may allow.

In case of service made pursuant to this section upon a licensee of the commissioner required by law to keep his or its current business address or that of its agent for service of process on file with the commissioner, such service shall be valid if the commissioner mailed, postage prepaid, a copy of the process, notice or papers to the defendant or licensee intended to be served to his current address as shown by the commissioner's records, or in the case of an insurer, to its manager, president or secretary, and an affidavit of compliance by plaintiff or plaintiff's attorney at law is made and filed at the place and within the time mentioned in this subdivision.

(e) No plaintiff or complainant shall be entitled to a judgment by default in any such action, suit or proceeding in which service of process is effected in the manner provided in this section until the expiration of 30 days from the date on which the affidavit of compliance is filed.

(f) Nothing in this section shall limit or abridge the right to serve any process, notice, papers or demand upon any insurer in any other manner now or hereafter permitted by law.

CHAPTER 950

An act to add Section 6011.2 to the Education Code, relating to outdoor science.

The people of the State of California do enact as follows:

SECTION 1. Section 6011.2 is added to the Education Code, to read:

6011.2. Notwithstanding any other provision of this code, whenever an outdoor science program involves studies in marine science, the governing board of any school district or a county superintendent of schools may transport, or arrange transportation of, pupils, instructors, supervisors, or other personnel aboard U.S. Coast Guard approved vessels in the waters of the Pacific Ocean for distances not to exceed five miles westerly of any offshore island which is a part of the State of California.

CHAPTER 951

An act relating to disposition and leasing of property by the Director of General Services.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services, with the approval of the State Public Works Board, is hereby authorized to sell, exchange, or lease for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 0.5 acres in the City of Pasadena, County of Los Angeles, being the Military Department armory site.

Parcel 2. Approximately 23 acres, more or less, westerly of the County Road (Halcon Road) and northerly of Viejo Camino (Old Highway 101), being a portion of Atascadero State Hospital in San Luis Obispo County, said property being contiguous to the real property described in Parcel 3.5 of Section 1 of Chapter 1024 of the Statutes of 1969.

The Director of General Services, with the consent of the Department of Mental Hygiene, may grant an easement for railroad purposes over land at the Atascadero State Hospital in connection with the conveyance of said property.

Parcel 3. Lots 11, 36, 38, 40, 45, 46, 47 and 51 as shown on Drawing No. 5186, dated December 13, 1967 of the Department of Parks and Recreation, said property being adjacent to Twin Lakes State Beach in the City of Santa Cruz, County of Santa Cruz.

SEC. 2. Notice of every public auction or bid opening shall be posted on the property to be sold and shall be published in a newspaper of general circulation published in the county in which the real property to be sold is situated. The Director of General Services is authorized and directed to take

such additional actions to further publicize the public auction or bid opening as in his opinion are appropriate considering the value of or potential public interest in the real property to be sold.

SEC. 3. Any moneys received from the disposition of Parcels 1 and 2 shall be paid into the General Fund

SEC. 3.5. This section applies only to Parcel 3. Any exchange of any such parcel shall be conditioned upon receipt by the state of real property for the state parks system. All moneys received from the disposition of any such parcel shall be available for the acquisition of real property or development for the state parks system when appropriated by the Legislature.

SEC. 4. Oil, gas and other mineral rights underlying Parcels 2 and 3 below a depth of 500 feet shall not be sold. Oil, gas and other mineral rights underlying Parcel 1 may be sold if in the opinion of the Director of General Services the value of such rights is nominal. If said rights underlying Parcel 1 below a depth of 500 feet have value, it shall not be sold.

SEC. 4.5. To insure that the state receives fair market rental during the entire term, any lease of any parcel described in Section 1 with a firm term in excess of five years shall provide that the amount of rental payable to the state shall be subject to recalculation to the satisfaction of the state at intervals of not less than every five years.

SEC. 5. The Director of General Services is hereby authorized to quitclaim to the Julian Chamber of Commerce, Community of Julian, County of San Diego, State of California, at no cost to the Julian Chamber of Commerce, that property conveyed to the state by grant deed recorded in Book 361, page 393, Official Records of San Diego County, containing 5,625 square feet, more or less.

SEC. 6. The Director of General Services is authorized to exchange a portion of the Hastings Building in Sacramento for property of equal value owned by the Sacramento Redevelopment Agency required for completion of the Old Sacramento State Historic Park.

SEC. 7. The amendments to Section 11011 of the Government Code enacted at the 1969 Regular Session of the Legislature shall be applicable to all unsold parcels of real property which, prior to the effective date of said amendments, the Legislature had authorized the Director of General Services to sell, and expenses incurred pursuant to Chapter 1251, Statutes of 1967, may be paid from the appropriation made by Section 15863 of the Government Code.

SEC. 8. In addition to any other provision of law granting authority to the Director of General Services to enter into leases of state property, the Director of General Services may lease for a term not to exceed thirty (30) years state-owned real property in San Jose, California, located on the north side of West Hedding Street west of San Pedro Street, provided that the lessee is required to construct on the premises an

office building for the use of the state during the term thereof, and the title to such facilities shall vest in the state at the expiration of said term or earlier. Such lease may contain such other terms and conditions as the Director of General Services may deem to be in the best interests of the state.

SEC. 9. The sale, exchange or lease of any parcel of real property which the Legislature had authorized the Director of General Services to sell by legislation enacted prior to the effective date of this act, is subject to the approval of the State Public Works Board.

SEC. 10. The Director of General Services shall not sell, exchange or lease any property described in this act until (1) the agency having jurisdiction of the property has declared said property surplus to its operating requirements, or (2) the agency having jurisdiction of the property has received due notice of a hearing before the Public Works Board and the Public Works Board, after a public hearing, approves the commencement of a program directed toward the sale, exchange or lease of the property.

SEC. 11. The Director of General Services is hereby authorized to enter into a lease for a term not to exceed 35 years for a state office building in the Santa Ana Civic Center, with title to the leased premises to pass to the state at the end of the lease term without further payment.

CHAPTER 952

An act to amend Sections 1170, 1172, and 1174 of, and to repeal Section 1173 of, the Probate Code, relating to the administration of estates.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1170 of the Probate Code is amended to read:

1170. Whenever title to or an interest in real or personal property is affected by the death of any person, any person who claims any interest in such property, which interest is affected by the death of such person, may file in the superior court of the county of which the decedent was a resident at the time of his death, or in any county in which any part of the property is situated, a verified petition setting forth those facts, and particularly describing the property and his interest therein.

SEC. 2. Section 1172 of the Probate Code is amended to read:

1172. If the person who files the petition provided for in Section 1170 files an affidavit with the petition stating that he has no reason to believe that there is any opposition to, or

contest of, the petition, the court may act *ex parte*. In any other case, the clerk must set the petition for hearing by the court and give notice thereof by causing a notice of the time and place of the hearing to be posted at the courthouse in the county where the court is held at least 10 days before the hearing.

SEC. 3. Section 1173 of the Probate Code is repealed.

SEC. 4. Section 1174 of the Probate Code is amended to read:

1174. Such petition, or affidavits in support thereof, may be received in evidence and acted upon by the court with the same force and effect as if the petitioner or affiants were personally present and testified to the fact set forth, and the court may render judgment thereon establishing the fact of the death, which judgment shall be *prima facie* evidence of the fact of the death. The presumption established by this section is a presumption affecting the burden of producing evidence.

Any inheritance tax which becomes payable by reason of the death must be paid before the decree is made, and one of the inheritance tax appraisers provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the inheritance tax appraiser reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which the proceeding is pending.

SEC. 5. Section 1174 of the Probate Code is amended to read:

1174. Such petition, or affidavits in support thereof, may be received in evidence and acted upon by the court with the same force and effect as if the petitioner or affiant were personally present and testified to the fact set forth, and the court may render judgment thereon establishing the fact of the death which judgment shall be *prima facie* evidence of the fact of the death. The presumption established by this section is a presumption affecting the burden of producing evidence.

Any inheritance tax which becomes payable by reason of the death must be paid before the decree is made, and one of the inheritance tax referees provided for by law must be appointed by the court in every such proceeding to determine what if any inheritance tax is payable unless another proceeding is pending in which the taxability of the transfer involved in such proceedings may be determined. If the inheritance tax referee reports that no inheritance tax is payable he shall be paid by the petitioner or petitioners for his services and expenses a reasonable amount to be fixed by the court in which the proceeding is pending.

SEC. 6. It is the intent of the Legislature, if amendments to Section 1174 of the Probate Code proposed by both this bill and Senate Bill 361 are enacted, that both amendments be

given effect and incorporated in Section 1174 in the form set forth in Section 5 of this act. Therefore, in the event Senate Bill 361 is enacted and amends Section 1174, Section 5 of this act shall become operative at the same time that Section 1174 as amended by Senate Bill 361 becomes operative, and at that time, Section 1174 of the Probate Code as amended by Section 4 of this act is repealed.

CHAPTER 953

An act to amend Sections 56316 and 56324 of, and to add Section 56325 to, the Government Code, relating to annexations or detachment proceedings.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 56316 of the Government Code is amended to read:

56316. A majority protest shall be deemed to exist and the proposed annexation or detachment shall be abandoned if the board of directors shall find and declare by resolution that written protests filed and not withdrawn prior to the conclusion of the hearing represent:

(a) In the case of the annexation or detachment of inhabited territory,

(1) More than 50 percent of the assessed value of land therein, or

(2) More than 50 percent of the voting power of voters entitled to vote as a result of residing in or owning land within such territory; or

(b) In the case of the annexation or detachment of uninhabited territory, more than 50 percent of the assessed value of land therein.

SEC. 2. Section 56324 of the Government Code is amended to read:

56324. After the canvass of the returns of any election or elections on the question of the annexation or detachment, the board of directors shall declare by resolution the total number of votes cast in the election or elections, and the number of votes cast for and against the annexation or detachment. The board of directors shall adopt a resolution confirming the order of annexation or detachment, if a majority of the votes cast upon such question are in favor of such annexation or detachment:

(a) At an election called only within the territory ordered to be annexed or detached; or

(b) At each election where one election was called within the territory ordered to be annexed or detached and another election within all or such part of said district as is outside said territory.

SEC. 3. Section 56325 is added to the Government Code, to read:

56325. If the proceedings for annexation or detachment are terminated, either by majority protest as provided in Section 56316 or by failure of the majority of voters to confirm the order at an election held pursuant to Section 56321, then no new proposal for the same or substantially the same plan of annexation or detachment may be filed with the commission within one year after the date of adoption of the resolution terminating such proceedings.

CHAPTER 954

An act to add Section 8202.6 to the Government Code, relating to notaries public.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8202.6 is added to the Government Code, to read:

8202.6. The Secretary of State may appoint and commission such number of school district employees as notaries public in the several school districts of the state to act for and on behalf of the school districts by whom they are employed as he deems proper. Whenever such a notary is appointed and commissioned, the school district, through its duly authorized representatives, shall execute a certificate that the appointment is made for the purposes of the school districts, and whenever such certificate is filed with any state or county officer, no fees shall be charged by the officer for the filing or issuance of any document in connection with such appointment.

Any school district for which a notary public is appointed and commissioned pursuant to this section may pay from any funds available for its support the premiums on any bond and the cost of any stamps, seals or other supplies required in connection with the appointment, commission or performance of the duties of such notary public.

Any fees collected or obtained by any notary public whose documents have been filed without charge and for whom bond premiums have been paid by a school district shall be remitted by him to the school district by whom he is employed and paid into the district treasury to the credit of the fund from which his salary is paid.

CHAPTER 955

An act to amend Section 26604.5 of, and to add Section 26604.6 to, the Water Code, relating to irrigation districts.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 26604.5 of the Water Code is amended to read:

26604.5. The district shall comply with the provisions of Chapter 8 (commencing with Section 54900) of Part 1, Division 2, Title 5 of the Government Code. The statement and map or plat shall also set forth the boundaries of any portion of the district in which a rate of taxation is to be levied which is different from the rate to be levied in any other portion of the district.

SEC. 2. Section 26604.6 is added to the Water Code, to read:

26604.6. The board of supervisors may require in the contract that upon the effective date of the contract, the district officers shall continue to perform all the duties relative to the collection of district assessments, including delinquent assessments, levied prior to the effective date of the contract, the enforcement of their payment, and the sale of property for non-payment and redemption from sale pursuant to the laws in force in the district at such effective date.

CHAPTER 956

An act to amend Section 13320 of the Water Code, relating to water quality.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division or under Chapter 5 (commencing with Section 13300) of this division, or under Chapter 7 (commencing with Section 13500) of this division, any aggrieved person may petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The state board may, on its own motion, at any time review such action or failure to act.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 2. Section 13320 of the Water Code is amended to read:

13320. (a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4 of this division, Chapter 5 (commencing with Section 13300) of this division, Chapter 7 (commencing with Section 13500) of this division, or Division 7.5 (commencing with Section 14000), any aggrieved person may petition the state board to review such action or failure to act. In case of failure to act, the 30-day period shall commence upon refusal of the board to act, or 60 days after request has been made to the board to act. The state board may, on its own motion, at any time review such action or failure to act.

(b) The evidence before the state board shall consist of (i) the record before the regional board, and (ii) any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find the regional board action or inaction to be appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may: (1) direct that the appropriate action be taken by the regional board, (2) refer the matter to any other state agency having jurisdiction, (3) take the appropriate action itself, or (4) any combination of the foregoing. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) In the event a waste discharge in one region affects the waters in another region and there is any disagreement

between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

SEC. 3. It is the intent of the Legislature, if amendments to Section 13320 of the Water Code proposed by both this bill and Assembly Bill No. 718 are enacted, that both amendments be given effect and incorporated in Section 13320 in the form set forth in Section 2 of this act. Therefore, in the event Assembly Bill No. 718 is enacted and amends Section 13320, Section 2 of this act shall become operative at the same time that Section 13320 as amended by Assembly Bill No. 718 becomes operative, and at that time, Section 13320 of the Water Code as amended by Section 1 of this act is repealed.

CHAPTER 957

An act to add Section 399 to the Military and Veterans Code, relating to the National Guard.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 399 is added to the Military and Veterans Code, to read:

399. Enlisted members of the National Guard called or ordered into active state service by the Governor pursuant to the provisions of Sections 143 or 146 for a period in excess of seven (7) days may, by sending a copy of their orders to any contract creditor, secure an extension of the time required for the payment of any contract obligation, including, but not limited to, installment contracts, rent contracts, mortgage contracts, and insurance contracts, for a period of one month for each month or fraction thereof during which the enlisted member of the National Guard is in active state service pursuant to such call or order of the Governor. If any creditor refuses to grant the extension referred to above, the enlisted member of the National Guard may secure a court order extending the time for payment, and the term of the contract, for a period computed as specified above. In addition, an enlisted member of the National Guard may, on request, secure a stay of any administrative or judicial proceedings for a comparable period.

SEC. 2. The provisions of Section 399 of the Military and Veterans Code as added by Section 1 of this act shall apply only to contracts entered into on or after the effective date of this act.

CHAPTER 958

An act to add Section 5704.5 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5704.5 is added to the Welfare and Institutions Code, to read:

5704.5. It is the intent of the Legislature that special consideration be given to children's services in funding county Short-Doyle plans to expand existing programs or to establish new programs.

CHAPTER 959

An act to amend Section 27122 of the Streets and Highways Code, relating to bridge and highway districts.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 27122 of the Streets and Highways Code is amended to read:

27122. The composition of the board of directors of the district shall be as follows:

(a) One director, representing Del Norte County, one director, representing Mendocino County, and one director, representing Napa County, appointed by the board of supervisors of the respective represented county.

(b) Three directors, representing Marin County, appointed by the board of supervisors thereof. One of such directors shall be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Marin County, and shall be designated by the Marin Council of Mayors and Councilmen.

(c) Three directors, representing Sonoma County, appointed by the board of supervisors thereof. One of such directors may be an elected member of said board of supervisors, and another of such directors shall be an elected member of a city council of a city within Sonoma County, and shall be designated by the Mayors' and Councilmen's Association of Sonoma County.

(d) Nine directors, representing the City and County of San Francisco, eight of which shall be appointed by the board of supervisors thereof, and one of which shall be appointed by the mayor thereof by an order of appointment, a certified copy of which shall be immediately forwarded to the Secretary of State. Four of such directors shall be elected members of said board of supervisors.

CHAPTER 960

An act to amend Section 7666 of the Business and Professions Code, and Section 7100 of the Health and Safety Code, relating to funeral services.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7666 of the Business and Professions Code is amended to read:

7666. (a) The term of apprenticeship shall be two years; provided, however, that if an apprentice after having served his apprenticeship fails to pass the examination for an embalmer's license he may continue for one additional term of apprenticeship, which shall be the maximum apprenticeship permitted and provided further than an apprentice may, upon filing an application therefor, be permitted to continue such apprenticeship for a period not to exceed six months, if approved, for any of the following reasons:

(1) While awaiting the processing of applications submitted to the board.

(2) While awaiting notification of grades of embalmers' examinations given by the board.

(3) While awaiting the commencement of a class of an embalming school or college when such apprentice intends to enroll in such school or college.

Applications filed for an extension of apprenticeship shall be filed by the applicant with the Sacramento office of the board not less than 15 days prior to the date the applicant requests such extension to commence.

(b) Terms of apprenticeship may be served before, after, or divided by the embalming college course at the option of the apprentice; provided, however, that the term of apprenticeship must be completed, excluding time spent in active military service, within five (5) years from the date of original registration, or from the date an apprentice successfully passes the examination for embalmer's license required in Section 7646 of this code, whichever first occurs, and provided further that if the term of apprenticeship is not completed within such five (5) year period, the board may require that the applicant serve such additional term of apprenticeship, not to exceed two (2) years, and pass such additional examination on the subjects listed in Section 7646 of this code as the board considers necessary.

(c) A student attending an embalming college may register as an apprentice during his college term but shall receive no credit for such apprenticeship on the term required by this code unless he is also a full-time employee of a funeral director.

(d) An apprentice while serving his required term of apprenticeship shall be a full-time employee in the funeral establishment wherein he is employed.

SEC. 2. Section 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

(e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions, but a written contract for funeral services may only be modified in writing. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 3. Section 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

(e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent; provided, that should a person accept the gift of an entire body under subdivision (a) of Section 7155.5, such person, subject to the terms of the gift, shall be liable for the reasonable cost of interment of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions, but a written contract for funeral services may only be modified in writing. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 4. It is the intent of the Legislature, if amendments to Section 7100 of the Health and Safety Code proposed by both this bill and Assembly Bill No. 1455 are enacted, that both amendments be given effect and incorporated in Section 7100 in the form set forth in Section 3 of this act. Therefore, in the event Assembly Bill No. 1455 is enacted and amends Section 7100, Section 3 of this act shall become operative at the same time that Section 7100 as amended by Assembly Bill No. 1455 becomes operative, and at that time, Section 7100 of the Health and Safety Code as amended by Section 2 of this act is repealed.

CHAPTER 961

An act to add Section 1202.6 to the Public Utilities Code, and to amend Section 189 of, and to add Section 190.01 to, the Streets and Highways Code, relating to grade separations.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1202.6 is added to the Public Utilities Code, to read:

1202.6. Any municipal corporation, transit district, rapid transit district, or other public entity which provides rail passenger transportation services through a contract with a railroad corporation, may pay all or part of the share of a grade separation project allocated to such railroad corporation, or all or part of such share of a project's cost negotiated and agreed upon as the railroad's share by the railroad and a public agency or agencies pursuant to subdivision (h) of Section 1202.5. In any case where the municipal corporation, transit district, rapid transit district, or other public entity agrees to pay all or part of the railroad's share, it may enter into the negotiations allocating costs and may be a party to the agreement assessing such costs.

SEC. 2. Section 189 of the Streets and Highways Code is amended to read:

189. On or before the first day of each year, the Public Utilities Commission shall establish and furnish to the Department of Public Works a list of crossings at grade in separation of grade districts, of city streets or county roads and the tracks of any railroad corporation or corporations or the tracks of any municipal corporation, transit district, rapid transit district, or other public entity engaged in providing rail passenger transportation services, and of existing grade separations in need of alteration or reconstruction in the order of priority which in the judgment of the commission justifies the elimination of the crossing at grade by the erection or construction of separation structures or justifies the alteration or reconstruction of existing grade separations. The commission shall include in such listing only such crossings which in its judgment are most urgently in need of separation or alteration, taking into consideration the possibility of financing the same under the provisions of this code.

The priority list shall terminate on the last day of the year for which it is established.

SEC. 3. Section 190.01 is added to the Streets and Highways Code, to read:

190.01. Allocations may be made pursuant to Section 190 to a local agency, as defined in that section, for grade separation projects, including the elimination of grade crossings and the alteration or reconstruction of grade separations, of municipal corporations, transit districts, rapid transit districts, or other public entities which provide rail passenger transportation services. Allocations for such a project shall be for one-half of the portion of the cost of the project which the California Highway Commission and the department determine to be properly allocable to the betterment of traffic conditions on the local street or road involved.

Any references in any law or regulation to Section 190 shall also be deemed to include reference to this section.

CHAPTER 962

An act to amend Sections 4452, and 4800 of, to add Section 4800.5 to, and to repeal Sections 149 and 4808 of, the Civil Code, relating to family law.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 149 of the Civil Code is repealed.

SEC. 2. Section 4452 of the Civil Code is amended to read:

4452. Whenever a determination is made that a marriage is void or voidable and the court finds that either party or both parties believed in good faith that the marriage was valid, the court shall declare such party or parties to have the status of a putative spouse, and, if the division of property is in issue, shall divide, in accordance with Section 4800, that property acquired during the union which would have been community property or quasi-community property if the union had not been void or voidable. Such property shall be termed "quasi-marital property". If the court expressly reserves jurisdiction, it may make the property division at a time subsequent to the judgment.

SEC. 3. Section 4800 of the Civil Code is amended to read:

4800. (a) Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, the court shall, either in its interlocutory judgment of dissolution of the marriage, in its judgment decreeing the legal separation of the parties, or at a later time if it expressly reserves jurisdiction to make such a property division, divide the community property and the quasi-community property of the parties, including any such property from which a homestead has been selected, equally. The equal division provisions of this section shall not prevent the court:

(1) Where economic circumstances warrant, from awarding any asset to one party on such conditions as the court deems proper to effect a substantially equal division of the property;

(2) By way of an additional award or offset against existing property from awarding from a party's share any sum the court determines to have been deliberately misappropriated by such party to the exclusion of the community property or quasi-community property interest of the other party.

(b) Notwithstanding the provisions of subdivision (a), community property personal injury damages shall be assigned to the party who suffered the injuries unless the court, after taking into account the economic condition and needs of each party, the time that has elapsed since the recovery of the damages, and all other facts of the case, determines that the interests of justice require another disposition. In such case, the community property personal injury damages shall be assigned to the respective parties in such proportions as the

court determines to be just, except that at least one-half of such damages shall be assigned to the party who suffered the injuries. As used in this section, "community property personal injury damages" means all money or other property received by a married person as community property in satisfaction of a judgment for damages for his or her personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages, unless such money or other property has been commingled with other community property.

(c) The court may make such orders as it deems necessary to carry out the purposes of this section.

SEC. 3.5. Section 4800 of the Civil Code is amended to read:

4800. (a) Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, the court shall, either in its interlocutory judgment of dissolution of the marriage, in its judgment decreeing the legal separation of the parties, or at a later time if it expressly reserves jurisdiction to make such a property division, divide the community property and the quasi-community property of the parties, including any such property from which a homestead has been selected, equally.

(b) Notwithstanding subdivision (a), the court may divide the community property and quasi-community property of the parties as follows:

(1) Where economic circumstances warrant, the court may award any asset to one party on such conditions as it deems proper to effect a substantially equal division of the property.

(2) As an additional award or offset against existing property, the court may award, from a party's share, any sum it determines to have been deliberately misappropriated by such party to the exclusion of the community property or quasi-community property interest of the other party.

(3) If the net value of the community property and quasi-community property is less than five thousand dollars (\$5,000), after deducting the amount of all liens and encumbrances, and one party cannot be located through the exercise of reasonable diligence, the court may award all such property to the other party on such conditions as it deems proper.

(c) Notwithstanding the provisions of subdivision (a), community property personal injury damages shall be assigned to the party who suffered the injuries unless the court, after taking into account the economic condition and needs of each party, the time that has elapsed since the recovery of the damages, and all other facts of the case, determines that the interests of justice require another disposition. In such case, the community property personal injury damages shall be assigned to the respective parties in such proportions as the court determines to be just, except that at least one-half of such damages shall be assigned to the party who suffered the injuries. As used in this subdivision, "community property

personal injury damages'' means all money or other property received by a married person as community property in satisfaction of a judgment for damages for his or her personal injuries or pursuant to an agreement for the settlement or compromise of a claim for such damages, unless such money or other property has been commingled with other community property.

(d) The court may make such orders as it deems necessary to carry out the purposes of this section.

SEC. 4. Section 4800.5 is added to the Civil Code, to read: 4800.5. When service of summons is made pursuant to Section 415.50 of the Code of Civil Procedure upon a spouse in a proceeding under the provisions of this part, the court, without the aid of attachment thereof or the appointment of a receiver, shall have and may exercise the same jurisdiction over all of the following:

(a) The community real property of the spouse so served situated in this state as it has or may exercise over the community real property of a spouse in a proceeding under this part who is personally served with process within this state.

(b) The quasi-community real property of the spouse so served situated in this state as it has or may exercise over the quasi-community real property of a spouse in a proceeding under this part who is personally served with process within this state.

SEC. 5. Section 4808 of the Civil Code is repealed.

SEC. 6. It is the intent of the Legislature, if the amendments to Section 4800 of the Civil Code proposed by both this bill and Assembly Bill No. 1146 are enacted, that both amendments be given effect and incorporated into Section 4800 in the form set forth in Section 3.5 of this act. Therefore in the event A.B. 1146 is enacted and amends Section 4800, Section 3.5 of this act shall become operative at the same time that Section 4800 as amended by A.B. 1146 becomes operative. and, at that time, Section 4800 as amended by Section 3 of this act is repealed.

CHAPTER 963

An act to add Section 43006 to the Government Code, and to amend Section 155.1 of the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 43006 is added to the Government Code, to read:

43006. Notwithstanding any other provision of law, the legislative body of a chartered city which assesses and collects

its own property taxes may, in any year, by ordinance, provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, make application for the reassessment of such property and deliver to the assessing official of the city a written statement showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of one thousand dollars (\$1,000). The application shall be executed under penalty of perjury or, if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars (\$1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars (\$1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made and the county assessor determines that the full cash value of such property for the assessment year is reduced by more than one thousand dollars (\$1,000) from the full cash value of the property for the im-

mediately preceding assessment year due to the damage or destruction caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the major misfortune or calamity.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll, a prorated portion of the tax due on the property as originally assessed at the rate established for the property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, a prorated portion of the tax shall be computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code, as an erroneously collected tax.

SEC. 2. Section 155.1, as added to the Revenue and Taxation Code by Senate Bill No. 521 of the 1970 Regular Session of the Legislature, is amended to read:

155.1. Notwithstanding any provision of law to the contrary, the board of supervisors may, in any year, by ordinance,

provide that every person who at 12:01 a.m. on the immediately preceding March 1 was the owner of, or had in his possession, or under his control, any taxable property, or who acquired such property after such date and is liable for the taxes thereon for the fiscal year commencing the immediately following July 1, which property was thereafter damaged or destroyed, without his fault, by a major misfortune or calamity, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, if such property was damaged or destroyed by the major misfortune or calamity which caused the Governor to proclaim the area or region to be in a state of disaster, may, within the time specified in the ordinance, apply for reassessment of such property by delivering to the assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of one thousand dollars (\$1,000). The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

Upon receiving a proper application, the assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the local board of equalization within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final, provided that a decision of the local board of equalization regarding any reassessment made pursuant to this section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

If the damaged full cash value of the property as determined above is not at least one thousand dollars (\$1,000) less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least one thousand dollars (\$1,000), as determined above, shall be forwarded to the auditor by the assessor or the clerk of the board, as the case may be. The auditor shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

If no such application is made and the county assessor determines that the full cash value of such property for the assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than one thousand dollars (\$1,000) due to the damage or destruc-

tion caused by the major misfortune or calamity, the assessor shall notify the property owner that the property will be reassessed. The assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the local board of equalization a description of the property so reassessed, the name of the person making the application in connection with the property, if any, or the name of the property owner notified of the reassessment, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

As used in this section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the major misfortune or calamity.

The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

(a) With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

(b) With respect to property on the unsecured roll, he shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

This section applies to all counties, whether operating under a charter or under the general laws of this state.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The disastrous mud and earth slides and other calamities caused by torrential rains in the state are destroying and damaging property to such an extent that, unless relief from taxation is given to owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. In order that property tax relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act take effect immediately.

CHAPTER 964

An act to amend Section 6473.5 of the Education Code as added by Chapter 1596 of the Statutes of 1969 and to repeal Section 6473.5 of the Education Code as added by Chapter 1578 of the Statutes of 1969, relating to compensatory education.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6473.5 of the Education Code, as added by Chapter 1596 of the Statutes of 1969, is amended to read:

6473.5. The Director of Compensatory Education shall not recommend, and the State Board of Education shall not approve, a project or program in compensatory education without assurance that the teacher in the class in which the project or program is to be conducted and other certificated personnel required to provide services under the project or program hold a regular credential.

The Director of Compensatory Education may waive this requirement where the school district submits evidence which is satisfactory to him that provisionally credentialed teachers have been provided through an established career opportunities program, a teacher corps program, or through a district career development plan designed to provide employment opportunities, concurrent training, and career advancement for capable persons of low-income background who wish to enter the teaching profession.

SEC. 2. Section 6473.5 of the Education Code, as added by Chapter 1578 of the Statutes of 1969, is repealed.

CHAPTER 965

An act to amend Section 27 of the Probate Code, and to amend Sections 21200 and 21201 of the Corporations Code, relating to unincorporated associations.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 27 of the Probate Code is amended to read:

27. A testamentary disposition may be made to the United States, to any instrumentality of the United States, to any of the United States, to any foreign state complying with the provisions of Chapter 3 (commencing at Section 259) of Division 2 of this code, to the state, to counties, to municipal corporations, to natural persons capable by law of taking the property, to unincorporated societies or associations or lodges or branches thereof, and to corporations.

SEC. 2. Section 21200 of the Corporations Code is amended to read:

21200. Any unincorporated society or association, and every lodge or branch of any such society or association, and any labor organization, may, without incorporation, purchase, receive, own, hold, lease, mortgage, pledge, or encumber, by deed of trust or otherwise, manage, and sell all such real estate and other property as may be necessary for the business purposes and objects of the society, association, lodge, branch or labor organization, subject to the laws and regulations of the society, association, lodge, or branch and of the grand lodge thereof, or labor organization; and also may take and receive by will or deed all property not so necessary, and hold it until disposed of within a period of 10 years from the acquisition thereof.

SEC. 3. Section 21201 of the Corporations Code is amended to read:

21201. All conveyances transferring or in any manner affecting the title to real estate owned or held by an unincorporated benevolent or fraternal society or association, or lodge or branch thereof, or labor organization, shall be executed by its presiding officer and recording secretary under its seal after resolution duly adopted by the society, association, lodge, or branch authorizing the conveyance, and in the case of other unincorporated associations for which no specific provision is made by statute shall be executed by (a) its president or other head and secretary, recording secretary, or other comparable officer, or (b) other officers or persons specifically designated by a resolution duly adopted by the association or by a committee or body duly authorized to act by the articles of association or bylaws.

An unincorporated association not otherwise authorized by statute may record in any county in which it owns or has an interest in real property a verified and acknowledged statement, or a certified copy of such statement recorded in another county, setting forth the name of the association, the names of its officers and the title or capacity of its officers and other persons who are authorized on its behalf to execute conveyances of real property owned or held by the association. It shall be conclusively presumed in favor of any bona fide purchaser

or encumbrancer for value of real property of the association located in the county in which such statement or certified copy has been recorded that the officers and persons designated in the statement are duly authorized to execute such conveyances unless there is recorded in such county by anyone claiming to be a member of the association a statement, verified and acknowledged by the person executing it, which shall set forth the name of the association, particularly identify the recorded statement of the unincorporated association, and state that such previously recorded statement was recorded without authority or that the officers or other persons designated therein are not so authorized. For the purposes of this paragraph, the definitions of "conveyance" and "purchaser" in Section 15010.5 and the definition of "unincorporated association" in Section 24000 shall apply, except that "unincorporated association" shall not include partnerships.

CHAPTER 966

An act relating to the public schools.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Upon the application of the governing board of an elementary or unified school district, the Superintendent of Public Instruction may exempt for five fiscal years from the minimum class size standards and reporting requirements prescribed by Section 17507 of the Education Code, not more than four of the elementary schools and one junior high school maintained by such district. The exemptions authorized by this act may not be made with respect to more than five school districts.

No exemption shall be renewed unless a full report and evaluation of the results of the pilot program has been presented to the Legislature and to the Superintendent of Public Instruction, and the Superintendent of Public Instruction determines that the results warrant an extension of the exemption. Any exemption may be extended for a period not to exceed five fiscal years.

SEC. 2. The certificated employees of a school which, pursuant to Section 1 of this act, has been granted an exemption from the minimum class size standards of Section 17507 of the Education Code, shall not be subject to the provisions of Section 13506 of the Education Code which require certificated employees to be classified on the salary schedule on the basis of uniform allowances for years of training and years of experience. In lieu of such classification, the governing board of the district may establish salary schedules pursuant to which

the salaries of such certificated employees are determined by job specifications rather than training and experience.

SEC. 3. It is the intent and purpose of the Legislature in enacting this measure, to enable a limited number of school districts to establish pilot programs, using differentiated staffing patterns in the schools, without the consequent decrease in state support which would otherwise result.

SEC. 4. The Superintendent of Public Instruction shall render a progress report on the operation of this act to the Legislature no later than the fifth calendar day of the 1973 Regular Session and shall render a final report to the Legislature not later than the fifth calendar day of the 1975 Regular Session.

CHAPTER 967

An act to amend Sections 20467 and 20469 of the Agricultural Code, relating to Livestock Identification Advisory Board.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 20467 of the Agricultural Code is amended to read:

20467. The board shall assist the director and the Chief of the Bureau of Livestock Identification in the administration and enforcement of Part 1 (commencing with Section 16301) and Part 2 (commencing with Section 17401) of Division 9, Chapter 2 (commencing with Section 18351) and Chapter 3 (commencing with Section 18501) of Part 3 of Division 9, Division 10 (commencing with Section 20001), and Division 11 (commencing with Section 23001). The board shall make recommendations to the director concerning such administration and enforcement. Any such recommendation shall be made effective upon approval of the director, including recommendations under subdivisions (a), (b), (c), and (d) of Section 20469.

SEC. 2. Section 20469 of the Agricultural Code is amended to read:

20469. The board shall make recommendations to the director and to the Chief of the Bureau of Livestock Identification relative to all of the following:

(a) Improvements and changes in the administration and enforcement of the hide and brand laws and regulations which are adopted pursuant to such laws.

(b) Procedures which are followed by the Bureau of Livestock Identification.

(c) Curbing of livestock thefts.

(d) The annual budget for the Bureau of Livestock Identification.

(e) Legislation which is designed to improve the functioning of the bureau.

CHAPTER 968

An act to amend Sections 21350 and 21466 of, and to add Section 21466.5 to, the Vehicle Code, relating to highways, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 21350 of the Vehicle Code is amended to read:

21350. The Department of Public Works shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. The Department of Public Works may, with the consent of the local authorities, also place and maintain, or cause to be placed and maintained, in or along city streets and county roads, appropriate signs, signals and other traffic control devices, or may perform, or cause to be performed, such other work on city streets and county roads, as may be necessary or desirable to control or direct traffic, or to facilitate traffic flow, to or from state highways.

SEC. 2. Section 21466 of the Vehicle Code is amended to read:

21466. No person shall place or maintain or display upon or in view of any highway any light in such position as to prevent the driver of a vehicle from readily recognizing any official traffic control device.

SEC. 3. Section 21466.5 is added to the Vehicle Code, to read:

21466.5. No person shall place or maintain or display, upon or in view of any highway, any light of any color of such brilliance as to impair the vision of drivers upon the highway. A light source shall be considered vision impairing when its brilliance exceeds the values listed below.

The brightness reading of an objectionable light source shall be measured with a $1\frac{1}{2}$ -degree photoelectric brightness meter placed at the driver's point of view. The maximum measured brightness of the light source within 10 degrees from the driver's normal line of sight shall not be more than 1,000 times the minimum measured brightness in the driver's field of view, except that when the minimum measured brightness in the field of view is 10 foot-lamberts or less, the measured brightness of the light source in foot-lambert shall not exceed

500 plus 100 times the angle, in degrees, between the driver's line of sight and the light source.

The provisions of this section shall not apply to railroads as defined in Section 229 of the Public Utilities Code.

SEC. 4. The sum of thirty-five thousand dollars (\$35,000) is hereby appropriated from the State Highway Fund, in augmentation of Item 237.5, Budget Act of 1970, for restudy of the extension of the Long Beach Freeway through South Pasadena. Notwithstanding the provisions of the contract between the Department of Public Works and the City of South Pasadena, dated June 25, 1970, the City of South Pasadena shall not be required to pay any portion of the cost of the restudy.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Safety on our highways can be greatly enhanced by reducing congestion thereon and by prohibiting any person from placing any light of such brilliance in view of a highway which would impair the vision of drivers thereon. The Department of Public Works has prepared plans to implement urgently needed ramp control projects, which involve the placement of signs, signals, and traffic control devices, to control the flow of traffic onto a freeway and thereby reduce the congestion thereon. In order that the department may proceed with the implementation of such projects at the earliest possible date, and the prohibition against display of lights of such brilliance in view of a highway which would impair the vision of drivers thereon be in effect at the earliest possible date, it is necessary that this act take effect immediately.

CHAPTER 969

An act to amend Sections 18214 and 18304 of, to add Part 2.2 (commencing with Section 18800) to Division 13 of, and to repeal Section 18213.5 of, the Health and Safety Code, relating to mobilehome accommodation structures.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18213.5 of the Health and Safety Code is repealed.

SEC. 2. Section 18214 of the Health and Safety Code is amended to read:

18214. "Mobilehome park" is any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used

for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

SEC. 3. Section 18304 of the Health and Safety Code is amended to read:

18304. (a) This part does not apply to any apartment house, hotel, or dwelling which is subject to the provisions of Part 1.5 (commencing with Section 17910) of this division, or to any mobilehome accommodation structure which is subject to the provisions of Part 2.2 (commencing with Section 18800) of this division.

(b) This part does not apply to any labor camp, except a labor camp in which mobilehomes are used to house five or more prospective employees of any person other than the owner or operator of the labor camp, which is subject to the provisions of Chapter 4 (commencing with Section 2610), Part 9, Division 2 of the Labor Code.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the commission for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section.

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the department on forms provided by the department, submitting pertinent data therewith.

(e) This part does not apply to electric, gas or water facilities owned, operated, and maintained by a public utility.

SEC. 4. Part 2.2 (commencing with Section 18800) is added to Division 13 of the Health and Safety Code, to read:

PART 2.2. MOBILEHOME ACCOMMODATION STRUCTURES

CHAPTER 1. GENERAL PROVISIONS

18800. Mobilehome accommodation structures shall comply with the provisions of this part and regulations adopted by the commission pursuant thereto. The provisions of this part and regulations adopted pursuant thereto shall apply to all parts of the state.

The provisions of this part shall not prevent local authorities of any city or county, within the reasonable exercise of their police powers, from prohibiting mobilehome accommodation

structures within all or certain zones within such city or county or from prescribing standards of lot area, side yards, landscaping, walls or enclosures, signs, access and automobile parking by local ordinances. Local authorities may also prescribe by regulation the prohibition of certain uses of mobile-home accommodation structures.

18801. The commission may adopt regulations to interpret and make specific the provisions of this part. Such regulations may establish a schedule of fees to defray the costs of work related to administration and enforcement of this part.

CHAPTER 2. DEFINITIONS

18810. The definitions contained in this chapter shall govern the construction of this part, unless the context otherwise requires.

18811. "Approved" means compliance with the provisions of this part and the regulations adopted pursuant thereto as determined by the enforcement agency.

18812. "City" means any city or city and county. "County" means any county.

18813. "Commission" means the Commission of Housing and Community Development.

18814. "Department" means the Department of Housing and Community Development.

18815. "Enforcement agency" means the Department of Housing and Community Development or the department or agency of any city or county designated by the governing body of such local jurisdiction to enforce the provisions of this part.

18816. "Local appeals board" means the board, agency or officer of a city or county authorized by the governing body of the city or county to hear appeals regarding the building requirements of the city or county. In any area in which there is no such board, agency, or officer authorized to hear appeals, "local appeals board" means the governing body of the city or county having jurisdiction over such area.

18817. "Mobilehome" is a vehicle designed and equipped for human habitation, and for being drawn by a motor vehicle.

18818. "Mobilehome accommodation structure" is a building or structure which is designed to accommodate mobile-homes above grade level.

CHAPTER 3. APPLICATION AND SCOPE

18820. The provisions of this part and the regulations adopted pursuant thereto relating to mobilehome accommodation structures, and buildings and structures accessory thereto, shall apply to all parts of the state, except as provided by Section 18823.

18821. (a) This part does not apply to any building or structure subject to the provisions of Part 1.5 (commencing

with Section 17910) or Part 2.1 (commencing with Section 18200) of this division.

(b) This part does not apply to electric, gas, or water facilities owned, operated, and maintained by a public utility.

18822. (a) The provisions of this part are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this part and the regulations promulgated pursuant thereto, provided any such alternate has been approved.

(b) The enforcement agency may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this part and regulations promulgated pursuant thereto in quality, strength, effectiveness, fire resistance, durability, safety, and for the protection of life and health.

(c) Whenever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this part and regulations promulgated pursuant thereto, or in order to substantiate claims for alternates, the enforcement agency may require tests or proof of compliance to be made at the expense of the owner or his agent.

18823. Any person, firm, or corporation that opposes the application of any regulation adopted by the commission within a particular local area may request a hearing before the local appeals board regarding the matter. If the local appeals board determines after the hearing that because of local conditions or factors it is not reasonable for the regulation to be applied in the local area, the regulations shall have no application within such local area.

18824. Where the department is the enforcement agency, the commission shall hear appeals brought by any person, firm, corporation, or governmental agency as to the application of any regulation adopted pursuant to this part alleging that the application of any such regulation is unreasonable or unlawful.

The commission shall not, however, hear any appeals regarding local regulations which are equal to or more restrictive than those prescribed by this part or regulations adopted pursuant to this part.

CHAPTER 4. REGULATIONS

18830. The commission may adopt such regulations for the construction and operation of mobilehome accommodation structures as the commission determines are necessary for the protection of the health and safety of persons using such structures and of the public. Nothing in this section shall prevent local authorities of any city, county, or city and county from adopting more restrictive regulations relating to structural standards and fire safety.

18830.1. Until such time as the commission adopts regulations as set forth in Section 18830, any city, county, or city and county may adopt ordinances regulating the construction and operation of mobilehome accommodation structures as the governing board or legislative body determines are necessary for the protection of the health and safety of the public and persons using such structures.

18831. The regulations adopted, amended, or repealed from time to time pursuant to this part shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the Uniform Building Code, 1967 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1967 edition, as adopted by the International Association of Plumbing and Mechanical Officials, the Uniform Mechanical Code, 1967 edition, as adopted by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, and the National Electrical Code, 1968 edition, as adopted by the National Fire Protection Association. The Commission of Housing and Community Development shall adopt such other regulations as it deems necessary to carry out the provisions of this part. In promulgating regulations the commission shall consider any amendments to the uniform codes referred to in this section.

18832. Regulations shall be promulgated pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 5. ADMINISTRATION AND ENFORCEMENT

18840. The building department, or other local governmental agency designated by the governing body, of every city or county shall enforce within its jurisdiction all the provisions of this part and regulations promulgated thereunder pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal or demolition of mobilehome accommodation structures.

18841. Where there is no local enforcement agency, the department shall enforce all the applicable provisions of this part and regulations promulgated by the commission thereunder pertaining to mobilehome accommodation structures.

18842. In the event of nonenforcement of this part or the regulations promulgated pursuant to Section 18830, the provisions of this part and the regulations promulgated thereunder shall be enforced by the department in any such city or county after the department has given written notice to the governing body of such city or county of a violation of this part or the regulations promulgated thereunder, and the city or county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice. The city or county may request a hearing before the commission pursuant to Section 18824 within such 30 days to show cause for nonenforcement. Enforcement by the depart-

ment shall not be initiated until the decision of the commission, adverse to the city or county, is rendered.

CHAPTER 6. ACTIONS, PROCEEDINGS, AND PENALTIES

18850. Construction or operation of a mobilehome accommodation structure in violation of any of the provisions of this part or regulations adopted pursuant thereto shall be deemed to be a nuisance and may be abated as such, in addition to any other remedies which may be available.

18851. Any person who violates any of the provisions of this part or any regulation adopted pursuant thereto is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding six months, or by both such fine and imprisonment.

CHAPTER 970

An act to add Section 16124 to the Welfare and Institutions Code, relating to aid for adoption of children.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16124 is added to the Welfare and Institutions Code, to read:

16124. Notwithstanding any other provision of this chapter, any licensed adoption agency which has established a pilot program under the provisions of this chapter after January 1, 1969, may continue its adoptive placements of children in the pilot program until December 31, 1971.

CHAPTER 971

An act to amend Sections 9751, 9752, 9753, 9754, 9755, 9760, and 9765 of the Business and Professions Code, relating to Cemetery Act fees and charges.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9751 of the Business and Professions Code is amended to read:

9751. The original cemetery broker's license fee shall be set by the board at not more than two hundred dollars (\$200).

SEC. 2. Section 9752 of the Business and Professions Code is amended to read:

9752. The original cemetery broker's license fee is payable at the time of the filing of an application for an original cemetery broker's license.

If the applicant fails the required written examination, he may be permitted to take another examination upon the filing of an application for reexamination and the payment of a reexamination fee. This reexamination fee shall be set by the board at not more than fifty dollars (\$50).

No part of any original cemetery broker's license fee or reexamination fee is refundable. It is deemed earned upon receipt by the board, whether the accompanying application for license is complete or incomplete.

SEC. 3. Section 9753 of the Business and Professions Code is amended to read:

9753. The annual renewal fee for a cemetery broker's license shall be set by the board at not more than one hundred fifty dollars (\$150).

SEC. 4. Section 9754 of the Business and Professions Code is amended to read:

9754. If the licensee is a cemetery brokerage corporation, the license issued to it entitles one officer only, on behalf of such corporation, to engage in the business of a cemetery broker without the payment of further fee, such officer to be designated in the application of the corporation for a license. For each other officer of a licensed cemetery brokerage corporation, through whom it engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the corporation, shall be set by the board at not more than fifty dollars (\$50).

SEC. 5. Section 9755 of the Business and Professions Code is amended to read:

9755. If the licensee is a cemetery brokerage copartnership, the license issued to it entitles one member only of the copartnership to engage on behalf of the copartnership in the business of a cemetery broker, which member shall be designated in the application of the copartnership for a license. For each other member of the copartnership who on behalf of the copartnership engages in the business of a cemetery broker, the annual renewal fee, in addition to the fee paid by the copartnership, shall be set by the board at not more than fifty dollars (\$50).

SEC. 6. Section 9760 of the Business and Professions Code is amended to read:

9760. For a branch office broker's license, the fee shall be set by the board at not more than fifty dollars (\$50).

SEC. 7. Section 9765 of the Business and Professions Code is amended to read:

9765. Every cemetery authority operating a cemetery shall pay an annual regulatory charge for each cemetery to be fixed by the board at not more than two hundred dollars (\$200), plus an additional charge of not more than twenty-five cents (\$0.25) per interment made during the preceding full calendar year, which charges shall be deposited in the Cemetery Fund.

CHAPTER 972

An act to add Chapter 8 (commencing with Section 2800) to Division 2 of the Commercial Code, relating to retail sales.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 2800) is added to Division 2 of the Commercial Code, to read:

CHAPTER 8. RETAIL SALES

2800. As used in this chapter "goods" means goods used or bought for use primarily for personal, family or household purposes.

2801. In any retail sale of goods, if the manufacturer or seller of the goods issues a written warranty or guarantee as to the condition or quality of all or part of the goods which requires the buyer to complete and return any form to the manufacturer or seller as proof of the purchase of the goods, such warranty or guarantee shall not be unenforceable solely because the buyer fails to complete or return the form. This section does not relieve the buyer from proving the fact of purchase and the date thereof in any case in which such a fact is in issue.

The buyer must agree in writing to any waiver of this section for the waiver to be valid. Any waiver by the buyer of the provisions of this section which is not in writing is contrary to public policy and shall be unenforceable and void.

Sec. 2. This act shall apply only to retail sales which are consummated on or after the effective date of this act.

CHAPTER 973

An act to add Article 1.3 (commencing with Section 410) to Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code, relating to implements of husbandry.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Article 1.3 (commencing with Section 410) is added to Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code, to read:

Article 1.3. Assessment of Implements of Husbandry

410. It is the intent of the Legislature in enacting this article to provide for a uniform system of assessment of all

implements of husbandry in this state, regardless of where located.

411. For the purposes of this article, "implement of husbandry" includes, but is not limited to, any tool, machine, equipment, appliance, device or apparatus used in the conduct of agricultural operations, except where such implements are intended for sale in the ordinary course of business.

"Implement of husbandry" also includes those implements of husbandry as defined in the Vehicle Code.

412. The assessor of the county in which the implement of husbandry is located shall assess the implement as provided in this article.

413. In assessing the implement of husbandry, the county assessor shall determine the value of the implement in accordance with standards and guides to the full cash value.

414. Upon request of the assessor of the county in which an implement of husbandry is located, the owner shall file with him a statement setting forth the make, model and year of manufacture of the implement.

CHAPTER 974

An act making an appropriation for maintenance and capital outlay at Hearst San Simeon State Historical Monument, relating to parks and recreation.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated the sum of one hundred thousand dollars (\$100,000) from funds accumulated under the provisions of Item 257, Budget Act of 1969, to be transferred to and in augmentation of Item 346, Budget Act of 1970, subject to allocation by the Director of Finance.

CHAPTER 975

An act to add Section 23428.15 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 23428.15 is added to the Business and Professions Code, to read:

23428.15. For the purposes of this article, "club" also means any parlor of the American Citizens Club in existence on the effective date of this chapter which the club has as the

owner, lessee, or occupant thereof operated as an establishment for fraternal purposes for not less than three years and in which alcoholic beverages are sold only to members of the club whose membership dues in the club have been paid.

CHAPTER 976

An act to add Sections 14253.5 and 14403 to the Government Code, relating to the State Contract Act.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14253.5 is added to the Government Code, to read:

14253.5. As used in this chapter, "mobilization" includes preparatory work and operations, including, but not limited to, those necessary for the movement of personnel, equipment, supplies and incidentals to the project site, for the establishment of all offices, buildings and other facilities necessary for work on the project, and for all other work and operations which must be performed or costs incurred prior to beginning work on the various items on the project site.

SEC. 2. Section 14403 is added to the Government Code, to read:

14403. In addition to the provisions for partial payment made in Section 14402, the department may make partial payments for the mobilization costs of a contract subject to this chapter, not to exceed the following:

(a) When 5 percent of the original contract amount is earned, 50 percent of the amount bid for mobilization, or 5 percent of the original contract amount, whichever is lesser, may be paid.

(b) When 10 percent of the original contract amount is earned, 75 percent of the amount bid for mobilization or 7.5 percent of the original contract amount, whichever is lesser, may be paid.

(c) When 20 percent of the original contract amount is earned, 95 percent of the amount bid for mobilization, or 9.5 percent of the original contract amount, whichever is lesser, may be paid.

(d) When 50 percent of the original contract amount is earned, 100 percent of the amount bid for mobilization, or 10 percent of the original contract amount, whichever is lesser, may be paid.

(e) Upon completion of all work on the project, payment of any amount bid for mobilization in excess of 10 percent of the original contract amount will be paid.

CHAPTER 977

*An act to amend Section 653g of the Penal Code,
relating to vagrants.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 653g of the Penal Code is amended to read:

653g. Every person who loiters about any school or public place at or near which children attend or normally congregate is a vagrant, and is punishable by a fine of not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

As used in this section, "loiter" means to delay, to linger, or to idle about any such school or public place without a lawful purpose for being present.

CHAPTER 978*An act to add Section 9022 to the Education
Code, relating to fund-raising projects.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9022 is added to the Education Code, to read:

9022. No person shall solicit any other person to contribute to any fund or to purchase any item of personal property, upon the representation that the money received is to be used wholly or in part for the benefit of any public school or the student body of any public school, unless such person obtains the prior written approval of either the governing board of the school district in which such solicitation is to be made or the governing board of the school district having jurisdiction over the school or student body represented to be benefited by such solicitation, or the designee of either of such boards.

The prohibitions of this section shall not apply with respect to any solicitation or contribution the total proceeds of which are delivered to a public school, nor to a solicitation of a transfer to be effected by a testamentary act.

CHAPTER 979

An act to add Section 17710.5 to the Education Code, relating to financial support of the public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 17710.5 is added to the Education Code, to read:

17710.5. When, pursuant to Section 17710, the corrected assessed valuation of property within the district cannot be ascertained on or before the 15th of April, the county auditor shall notify and furnish to the Superintendent of Public Instruction the corrected assessed valuation of property within the district for the fiscal year as soon as practicable after that date. The Superintendent of Public Instruction shall compute corrected State School Fund allowances for the district on the basis of such corrected assessed valuation of property, and shall, pursuant to Section 17414, increase or decrease, as appropriate, the apportionments to be made to the district in subsequent fiscal years.

This section shall be applicable only to the county described in Section 23101 of the Government Code.

This section shall remain in effect until January 1, 1972, and shall have no force and effect thereafter.

SEC. 2. This act shall be applicable with respect to assessed valuation levels utilized for purposes of apportionments from the State School Fund for the 1969-1970 fiscal year.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order that school districts may be apprised at the earliest possible time and, if possible, prior to the commencement of the academic year of the financial effects of adjustments in State School Fund apportionments required by this act and to make such modifications at the earliest possible time in the operations of the school district as are warranted by such adjustments, it is necessary that this act take immediate effect.

CHAPTER 980

An act to amend Sections 12016, 12020, and 12021 of, and to add Section 9517 to, the Government Code, relating to the state budget.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 9517 is added to the Government Code, to read:

9517. The Legislature shall finish its actions on the budget required by the Constitution by June 15th of each year.

SEC. 2. Section 12016 of the Government Code is amended to read:

12016. The budget required by the State Constitution to be submitted by the Governor at each regular session of the Legislature shall be submitted within the first 10 days thereof and shall contain a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by him, and all of its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual revenues and expenditures for the existing fiscal year.

SEC. 3. Section 12020 of the Government Code is amended to read:

12020. The budget submitted by the Governor to the Legislature within the first 10 days of each regular session shall contain a statement of accounts payable for the previous fiscal year and an estimate of accounts payable for the current fiscal year and the succeeding fiscal year.

The statements with respect to accounts payable shall be classified to show major expenditure classifications.

SEC. 4. Section 12021 of the Government Code is amended to read:

12021. The budget submitted by the Governor to the Legislature within the first 10 days of each regular session shall contain a statement of cash flow for the preceding fiscal year and an estimate of the cash flow for the current fiscal year and the succeeding fiscal year. The statement shall show for each month in each such year the income, expenditures, borrowing from individual funds and the borrowing capacity of such funds during each such month.

SEC. 5. Section 12016 of the Government Code is amended to read:

12016. The budget required by the State Constitution to be submitted by the Governor each calendar year shall be submitted within the first 15 days thereof and shall contain a complete plan and itemized statement of all proposed expenditures

of the state provided by existing law or recommended by him, and all of its institutions, departments, boards, bureaus, commissions, officers, employees and other agencies, and of all estimated revenues, for the ensuing fiscal year, together with a comparison, as to each item of revenues and expenditures, with the actual revenues and expenditures for the last completed fiscal year and the actual revenues and expenditures for the existing fiscal year.

SEC. 6. Section 12020 of the Government Code is amended to read:

12020. The budget submitted by the Governor to the Legislature within the first 15 days of each calendar year shall contain a statement of accounts payable for the previous fiscal year and an estimate of accounts payable for the current fiscal year and the succeeding fiscal year.

The statements with respect to accounts payable shall be classified to show major expenditure classifications.

SEC. 7. Section 12021 of the Government Code is amended to read:

12021. The budget submitted by the Governor to the Legislature within the first 15 days of each calendar year shall contain a statement of cash flow for the preceding fiscal year and an estimate of the cash flow for the current fiscal year and the succeeding fiscal year. The statement shall show for each month in each such year the income, expenditures, borrowing from individual funds and the borrowing capacity of such funds during each such month.

SEC. 8. It is the intent of the Legislature, if Assembly Constitutional Amendment No. 2 and Assembly Constitutional Amendment No. 9 of the 1970 Regular Session are adopted by the electors and both amend subdivisions (a) and (c) of Section 12 of Article IV of the Constitution, that Sections 12016, 12020, and 12021 of the Government Code be amended in the form set forth in Sections 5, 6, and 7 of this act to reflect the provisions of both such measures. Therefore, in the event both measures are adopted by the electors, Sections 12016, 12020, and 12021 of the Government Code as amended by Sections 5, 6, and 7 of this act shall become operative on the operative date of this act and Sections 2, 3, and 4 of this act shall not be operative. If Assembly Constitutional Amendment No. 2 is not adopted by the electors, Sections 5, 6, and 7 of this act shall not be operative.

SEC. 9. This act shall become operative only if Assembly Constitutional Amendment No. 9 is adopted by the electors, in which event it shall become operative at the same time as Assembly Constitutional Amendment No. 9.

SEC. 10. The provisions of this act shall become operative January 1, 1972.

CHAPTER 981

An act to amend Sections 143 and 144 of Chapter 209 of the Statutes of 1969, relating to metropolitan water districts.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 143 of Chapter 209 of the Statutes of 1969 is amended to read:

Sec. 143. The grant pursuant to Section 142 of the right to use vacant state lands shall be effective upon the filing by such district with the State Lands Commission, of an application showing the boundaries, extent, and locations of the lands, rights-of-way, or easements desired for such purposes.

If the lands, rights-of-way, or easements for which application shall be made are, or are across or on, other than school lands, no compensation shall be charged the district therefor.

If such lands, rights-of-way, or easements are, or are across or on, school lands, the district shall pay fair market value to the state for the estate conveyed.

SEC. 2. Section 144 of Chapter 209 of the Statutes of 1969 is amended to read:

Sec. 144. Upon filing an application pursuant to Section 143, accompanied by a map or plat tied to a point of record showing the location or proposed location of such works or facilities, or both, the fee title to so much of such state lands as shall be found by the State Lands Commission to be necessary or convenient to enable such district to construct or maintain its works or to establish or maintain its facilities, or both, but reserving to the state all oil, gas, other hydrocarbons, minerals, and geothermal resources, shall be conveyed to such district by a patent executed by the Governor of the State of California, attested by the Secretary of State with the Great Seal of the state affixed and countersigned by the State Lands Commission.

If an easement or right-of-way only over such lands is sought by the district, such easement or right-of-way shall be evidenced by a permit or grant executed by the State Lands Commission, which may reserve in such patents, grants, or permits, easements and rights-of-way across any lands therein described rights for any purpose not inconsistent with grantee's use. Before any such patent, grant or permit shall be executed any compensation due to the state under the provisions of this chapter shall be paid.

SEC. 3. Nothing in this act shall be construed to limit or alter any power of a metropolitan water district granted pursuant to Section 130 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969).

CHAPTER 982

*An act to amend Section 3352 of the Labor Code,
relating to workmen's compensation.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 3352 of the Labor Code is amended to read:

3352. "Employee" excludes:

(a) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of his employer.

(b) Any person engaged in vending, selling, offering for sale, or delivering directly to the public, any newspaper magazine, or periodical where the title thereto has passed to the person so engaged.

(c) Any person performing services in return for aid or sustenance only, received from any religious, charitable or relief organization.

(d) Any person holding an appointment as deputy clerk, deputy sheriff, or deputy constable appointed for his own convenience, and who receives no compensation from the county or municipal corporation or from the citizens thereof for his services as such deputy. This exclusion is operative only as to employment by the county or municipal corporation and does not deprive any person so deputized from recourse against a private person employing him for injury occurring in the course of and arising out of such employment.

(e) Any convict whose labor is used by the State Highway Commission on state highways or roads.

(f) Any person engaged in household domestic service except as provided in Section 3358.5. For purposes of this subdivision, household domestic service shall include but not be limited to, the part-time care and supervision of children in a private residence.

(g) Any person performing voluntary services at or for a recreational camp, hut or lodge operated by a nonprofit organization, exempt from federal income tax under Section 101 (6) of the Internal Revenue Code, of which he or a member of his family is a member and who receives no compensation for such services other than meals, lodging or transportation.

(h) Any person engaged as a part-time gardener in connection with a private dwelling; provided, the number of hours devoted to such work for any individual does not regularly exceed 44 hours per month. This exclusion is operative only as to his employment by the owner or occupant of such a private dwelling, and does not deprive any such part-time gardener from recourse under this division against any other

person employing him for injuries occurring in the course of and arising out of the employment.

(i) Any person performing voluntary service as a ski patrolman who receives no compensation for such services other than meals or lodging or the use of ski tow or ski lift facilities.

(j) Any person, other than a regular employee, participating in sports or athletics who receives no compensation for such participation other than the use of athletic equipment, uniforms, transportation, travel, meals, lodgings or other expenses incidental thereto.

CHAPTER 983

An act to amend Sections 7260, 7265 and 7272 and to repeal Part 13 (commencing with Section 15950) of Division 3, Title 2, of the Government Code, relating to eminent domain.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7260 of the Government Code is amended to read:

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property or any interest therein, in any city or county for public use, except the Department of Public Works of this state.

(b) "Displaced person" means any individual, family, business, or farm operation, which moves from real property acquired by a public entity for public use.

(c) "Individual" means a person who is not a member of a family.

(d) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption, or legal guardianship.

(e) "Business" means any lawful activity conducted primarily for purchase and resale, manufacture, processing, or marketing of products, commodities, or other personal property; or for the sale of services to the public; or by a nonprofit corporation.

(f) "Farm operation" means any activity conducted primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(g) "Affected property" means any real property which actually declines in fair market value because of acquisition

by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

(h) "Public use" means a use for which real property may be acquired by eminent domain.

SEC. 2. Section 7272 of the Government Code is amended to read:

7272. The provisions of this chapter shall apply only to the provision by a public entity of relocation assistance to any individual, family, business, or farm operation located in a city or county.

SEC. 3. Section 7265 of the Government Code is amended to read:

7265. (a) In addition to the payment authorized by Section 7261, as a cost of acquisition, the public entity may make a payment to any affected property owner meeting the requirements of this section.

(b) Such affected property is immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than one year prior to the first written offer for acquisition of the acquired property.

(c) Such payment, not to exceed five thousand dollars (\$5,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of such property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

SEC. 4. Part 13 (commencing with Section 15950) of Division 3 of Title 2 of the Government Code is repealed.

CHAPTER 984

An act to amend Section 21116 of the Education Code, relating to school district accounting controls.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21116 of the Education Code is amended to read:

21116. With the approval of the Superintendent of Public Instruction, the governing board of a junior college district,

a unified school district, or district with over 10,000 average daily attendance may cause to be drawn all warrants on the county treasurer against all the funds, except debt service, of the district in the county treasury in the payment of the expenses of the district. The warrants shall be issued by a person designated as the district auditor or district disbursing officer for the school district on the county treasurer in favor of the persons entitled thereto in payment of all claims chargeable against the district which have been legally examined, allowed, and ordered paid by the governing board. The district auditor shall issue warrants on the county treasurer for all debts and demands against the district when the amounts are fixed by law. The form of the warrant shall be as prescribed by the governing board and approved by the county auditor or county treasurer having jurisdiction.

Notwithstanding Section 21102 of the Education Code, the cost of printing the warrants shall be borne by the district.

No county officer shall be responsible for producing reports, statements, and other data relating to or based on these payments of the expenses of the districts. Those districts issuing warrants as provided by this section shall provide the county superintendent of schools, in the form prescribed by him, with the data necessary to make retirement reports and other reports required of him by law. All warrants, vouchers, and supporting documents shall be kept by the school districts that draw their own warrants.

Notwithstanding Section 27005 of the Government Code, or any other section requiring orders for warrants or warrants to be signed by the county superintendent of schools or the county auditor, or both, the county treasurer shall pay the warrant, if money is available.

Notwithstanding Section 17151 of the Education Code, except for assessing and tax collecting, the county auditor and the county treasurer may charge those districts that draw their own warrants for the cost of all fiscal services.

The person authorized by the governing board of the district to issue warrants pursuant to this section shall execute an official bond in an amount fixed by the governing board conditioned upon the faithful performance of his duties under this section. A county superintendent of schools or a county auditor shall not be liable under the terms of their bonds or otherwise for any warrant issued pursuant to this section. It is not intended that this provision shall be applied so as to impair the obligation of any contract in the bond of such officer in effect on the effective date of this section.

A listing of the warrants issued under this section by each school district shall be forwarded to the county auditor having jurisdiction, upon his request, and to the county superintendent of schools having jurisdiction over the district on the same day warrants are issued. The listing, which may be magnetic tape, punched cards, or in other form, shall report, among other things, the warrant number, date of the warrant, amount

of the warrant, the name of the payee, and the fund on which drawn.

The form and content of the warrant listing shall be as prescribed by the governing board and approved by the county auditor having jurisdiction.

Each junior college district, unified school district or district with over 10,000 average daily attendance which issues warrants pursuant to this section shall furnish monthly to the county superintendent of schools and the county auditor of the county of jurisdiction, upon his request, a statement showing for the current fiscal year to date, for each required expenditure classification, the amount budgeted, actual expenditures, encumbrances and unencumbered balances.

In order to obtain the approval of the Superintendent of Public Instruction, a junior college district, a unified school district, or district with over 10,000 average daily attendance shall file a written application with the county superintendent of schools of jurisdiction on forms which the Superintendent of Public Instruction shall prescribe. Upon receipt of an application from the district, the county superintendent of schools shall cause a survey to be made of the district's accounting controls by an independent certified public accountant or public accountant in accordance with standards prescribed by the Department of Finance. The certified public accountant or public accountant shall report his findings and recommendations to the county superintendent, county auditor, and to the applicant district. The county superintendent shall forward the district's application, together with his recommendations and the recommendations of the county auditor and the report of survey, to the Superintendent of Public Instruction who shall approve or disapprove the application. The Superintendent of Public Instruction shall approve the application only if he finds the accounting controls of the district are adequate. If the Superintendent of Public Instruction determines that such controls are inadequate, he shall disapprove the application. The county superintendent of schools shall be reimbursed from the district funds for all costs incident to the accounting controls survey made pursuant to the district's application.

When approved by the Superintendent of Public Instruction, the issuance of warrants pursuant to this section shall be effective at the beginning of the fiscal year, provided that the approval had been made prior to the preceding first day of January. If disapproved, the Superintendent of Public Instruction and the county superintendent of schools shall state the specific steps which must be taken by the school district in order to receive approval. If at any time the county superintendent of schools determines that the accounting controls of the district have become inadequate, he may recommend to the Superintendent of Public Instruction that the approval be revoked effective at the first of the fiscal year next following.

CHAPTER 985

An act to amend Section 4904 of the Labor Code and Section 2629.1 of the Unemployment Insurance Code, relating to disability.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4904 of the Labor Code is amended to read:

4904. If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the appeals board. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the appeals board shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is made. In determining the amount of lien to be allowed for unemployment compensation benefits and extended duration benefits under subdivision (g) of Section 4903, the appeals board shall allow such lien in the amount of benefits which it finds were paid for the same day or days for which an award of compensation for temporary total disability is made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the appeals board, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) or (g) of Section 4903. The determination of the appeals board, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) or (g) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The appeals board may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments.

Where unemployment compensation disability benefits have been paid pursuant to the Unemployment Insurance Code while reconsideration of an order, decision or award is pending, or has been granted the appeals board shall determine and allow a final amount on such lien as of the date the board is ready to issue its decision denying a petition for reconsidera-

tion or affirming, rescinding, altering or amending the original findings, order, decision or award.

SEC. 2. Section 2629.1 of the Unemployment Insurance Code is amended to read:

2629.1. Nothing in the provisions of Section 2629 of this code shall be construed to authorize the stopping of payment of unemployment disability benefits provided for in this part upon the filing of a lien with the Workmen's Compensation Appeals Board under Section 4903 of the Labor Code. Benefits provided for by this part shall be paid to claimants notwithstanding the filing of such a lien until an award, order or decision has been made in the matter as provided in Section 5313 of the Labor Code or, if temporary disability indemnity is not being received, while reconsideration is pending, or after it has been granted pursuant to Article 1 (commencing with Section 5900) of Chapter 7 of Part 4 of Division 4 of the Labor Code, until notification by the Workmen's Compensation Appeals Board that it is ready to issue its decision denying a petition for reconsideration or affirming, rescinding, altering or amending the original findings, order, decision or award.

CHAPTER 986

An act to amend Section 19576 of the Education Code, relating to the School Building Aid Law of 1952, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19576 of the Education Code is amended to read:

19576. The board may approve, in whole or in part, an application submitted by a school district under Section 19571 and in such amount, not exceeding the amount applied for, as the board may deem appropriate.

The board may, upon approval of the application, in whole or in part, and subsequently from time to time, make a conditional apportionment or conditional apportionments not exceeding in the aggregate the total amount determined by the board as aforesaid, to the applicant school district from the State School Building Aid Fund for such portion or portions of the construction project as the board determines the district is ready to proceed with. If the board has approved an application and made an apportionment as to a portion or portions of a construction project, the board may approve the remaining portion or portions of the construction project and make an additional apportionment or apportionments within two years after the original approval without requiring a district to issue additional bonds. The board may also make an

additional apportionment or apportionments for a period of time in excess of two years after the original approval without requiring a district to issue additional bonds if it has made a finding that such additional apportionment or apportionments are justified by virtue of the fact that state funds were not available for apportionment within the two-year period after the original approval because of the inability of the state to sell authorized state bonds within the maximum permitted interest rate.

If the board determines that the actual cost is in excess of the estimated cost of the specific school plant facilities or sites for which an apportionment to a district has been made, or for which a district's application has been approved in whole or in part pursuant to this section, the board may make an additional apportionment to such district in an amount equal to such excess even though such additional apportionment will result in the total apportionments to the district exceeding the amount of the application originally approved by the board. Before such additional apportionment becomes final the district, pursuant to Section 19590, shall hold an election to repay the amount of such additional apportionment which is in excess of the amount which the district has previously voted to repay. Such additional apportionment shall become final when the county superintendent of schools transmits to the board and the State Controller a certificate in duplicate stating that the school district has authorized the acceptance and expenditure of the necessary amount of such excess. The first paragraph of Section 19595 shall not apply to such additional apportionments. If such additional apportionments are made by the board within two years after the original approval, the district shall not be required to issue additional bonds.

Except as otherwise provided in this section, all provisions of this chapter (Sections 19551 to 19689, inclusive) relating to apportionments shall apply to apportionments made under this section.

Whenever an apportionment has heretofore been made or is hereafter made to a district for a site and the district heretofore or hereafter proposes to acquire the site through negotiation or condemnation but the total acquisition cost thereof plus all other costs incidental to either the acquisition or condemnation of the site, exceeds or exceeded the apportionment for the site, the board may at any time hereafter make an additional apportionment to provide for the differential in total acquisition cost without the district being required to issue additional bonds to qualify, providing the board finds (1) that it is in the interest of the state to proceed with the acquisition despite the acquisition costs, and (2) that the district is unable to provide, or it would be a hardship to require it to provide, the excess costs. The board may also, in its discretion, as a condition of making such apportionment, require the district to repay in full all or any part of the

excess apportionment, under such terms and conditions as the board deems desirable, and the district shall be empowered and obligated to comply if it accepts the excess apportionment, notwithstanding any other law to the contrary; provided, (1) that no such repayment shall be required from any source that would be exempt from required contribution toward the cost of a project under Sections 19571 and 19572 (excepting amounts in the General Fund raised by taxes to pay any judgment requiring such repayment), and (2) that any portion of the apportionment not required to be repaid in full, shall be repayable in the same manner as a construction apportionment.

Approval of an application under this section shall not be construed as creating or implying any obligation, commitment or promise on the part of the board or the state to make apportionments under this chapter (Sections 19551 to 19689, inclusive).

SEC 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some school districts are faced with the expiration of the two-year period for making apportionments and such expiration date is prior to the normal effective date of this act

CHAPTER 987

An act authorizing the transfer of state lands to the Department of Parks and Recreation and making an appropriation therefor.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated one million two hundred fifty thousand dollars (\$1,250,000) from the General Fund to be paid by the Department of Parks and Recreation to the State Lands Commission as payment in full for such lands under the jurisdiction of the State Lands Commission located at or near Manchester State Beach, Mt. Saint Helena State Park and Red Rock Canyon State Park.

SEC. 2. The Director of Parks and Recreation is authorized to include such lands located at or near Mount Saint Helena State Park and Red Rock Canyon State Park within the state park system. All or a portion of such lands located near Manchester State Beach and described as lots 6, 7, 13, 14, 15, 16, 17, and 18 of Section 30, T13N, R15W, MDBM; lots 9, 10, 11, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T13N, R15W, MDBM; SE $\frac{1}{4}$ Section 25, T13N, R16W, MDBM, may be ex-

changed for all or a portion of privately or publicly owned lands located adjacent to Manchester State Beach and described as the SW $\frac{1}{4}$, and the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 12, T13N, R17W, MDBM. Any exchange authorized under this section shall be upon the basis of fair market value, as approved under Section 3 of this act.

SEC. 3. The transactions authorized under Sections 1 and 2 shall not be completed until approved by the Public Works Board.

CHAPTER 988

An act to amend Section 4806 of the Civil Code, relating to support orders.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 4806 of the Civil Code is amended to read:

4806. When either party in a proceeding under this part has either a separate estate, or is earning his or her own livelihood, or there is community property or quasi-community property sufficient to give him or her proper support, or if the custody of the children has been awarded to the other party, who is supporting them, the court may withhold any allowance to him out of the separate property of the other party. In any original or modification proceeding, where there are no children, and either party has or acquires a separate estate, including income from employment, sufficient for his or her proper support, no support order shall be made or continued against the other party.

CHAPTER 989

An act to amend Sections 5005 and 5020 of the Vehicle Code, relating to special plates.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 5005 of the Vehicle Code is amended to read:

5005. Any person holding an unexpired amateur radio station license, other than a novice station license, issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration,

also apply directly to the department for special license plates, to be affixed to the motor vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official amateur radio station call letters of the applicant as assigned by the Federal Communications Commission.

The applicant shall by satisfactory proof show that he is the holder of an unexpired license, and, in addition to the regular registration fee, may be charged a fee not exceeding three dollars (\$3) for each set of special plates when issued and whenever the vehicle or the ownership of the vehicle for which plates are issued, is changed. When an applicant also pays weight fees, the department shall so indicate on the special license plates.

SEC. 2. Section 5020 of the Vehicle Code is amended to read:

5020. Any person holding an unexpired license for a class D radio station in the Citizens Radio Service issued by the Federal Communications Commission may, at the time he makes application for an original or a renewal registration for a motor vehicle, also apply directly to the department for special license plates, to be affixed to the motor vehicle for which registration is sought, on which, in lieu of the numbers otherwise prescribed by law, shall be inscribed the official class D radio station call sign of the applicant as assigned by the Federal Communications Commission.

The applicant shall by satisfactory proof show that he is the holder of an unexpired license, and, in addition to the regular registration fee, may be charged a fee of twenty dollars (\$20) for each set of special plates when issued and ten dollars (\$10) each succeeding year the vehicle is registered. Whenever the vehicle or the ownership of the vehicle for which plates are issued is changed, a fee of twenty dollars (\$20) may be charged. When the applicant also pays weight fees, the department shall so indicate on the special license plates.

CHAPTER 990

An act to amend Sections 749, 750, 758, and 759 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 749 of the Streets and Highways Code is amended to read:

749. Notwithstanding any other provision of this article, junkyards, scrap metal processing facilities, and automobile dismantling facilities may be established, operated or maintained within areas adjacent to any highway included in the

national system of interstate and defense highways or the federal-aid primary highway system which are within 1,000 feet of the nearest edge of the right-of-way if they are zoned industrial or if the junkyard, scrap metal processing facility, or automobile dismantling facility is located in unzoned industrial areas as determined by the department; provided, that the department is authorized to screen junkyards, scrap metal processing facilities, and automobile dismantling facilities located within such industrial zones or unzoned industrial areas so as not to be visible from the main traveled way of such highways if the director finds that such screening is necessary or desirable for the purposes set forth in subdivision (a) of Section 745. The director's determination as to what constitutes an unzoned industrial area shall be subject to approval by the Secretary of Transportation of the United States.

SEC. 2. Section 750 of the Streets and Highways Code is amended to read:

750. Any junkyard, scrap metal processing facility, or automobile dismantling facility in existence on October 6, 1966, which does not conform to the requirements of this article and which the director finds as a practical matter cannot be screened, shall be relocated, removed, or disposed of by July 1, 1970. Such finding shall be subject to approval by the Secretary of Transportation of the United States.

SEC. 3. Section 758 of the Streets and Highways Code is amended to read:

758. The director may enter into agreements with the Secretary of Transportation of the United States and accept any allotment of funds as provided by Section 136 of Title 23 of the United States Code.

SEC. 4. Section 759 of the Streets and Highways Code is amended to read:

759. The director shall prescribe and enforce regulations governing the establishment, screening, relocation, removal, or disposal of junkyards, scrap metal processing facilities, and automobile dismantling facilities as provided in this article consistent with the provisions of Section 136 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Transportation; provided, that the director shall not prescribe regulations to conform to changes in federal law or regulations made after October 6, 1966, without prior legislative approval.

CHAPTER 991

An act to repeal and add Chapter 2 (commencing with Section 5200), of Division 3 of the Business and Professions Code, relating to outdoor advertising.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 5200) of Division 3 of the Business and Professions Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 5200) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 2. ADVERTISERS

Article 1. General Provisions

5200. This chapter of the Business and Professions Code constitutes the chapter on advertisers. It may be cited as the Outdoor Advertising Act.

5201. Unless the context otherwise requires, the general provisions set forth in this article govern the construction of this chapter.

5202. "Advertising display" refers to advertising structures and to signs.

5203. "Advertising structure" refers to a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any poster, bill, printing, painting or other advertisement of any kind whatsoever may be placed, including statuary, for advertising purposes.

"Advertising structure" does not include:

(a) Official notices issued by any court or public body or officer;

(b) Notices posted by any public officer in performance of a public duty or by any person in giving legal notice;

(c) Directional, warning or information structures required by or authorized by law or by federal, state or county authority.

(d) A structure erected near a city or county boundary, which contains the name of such city or county and the names of, or any other information regarding, civic, fraternal or religious organizations located therein.

5204. "Bonus segment" means any segment of an interstate highway which was covered by the Federal Aid Highway Act of 1958 and the Collier-Z'berg Act, namely, any such segment which is constructed upon right-of-way, the entire width of which was acquired subsequent to July 1, 1956.

5205. "Business area" means an area within 1,000 feet, measured in each direction, from the nearest edge of a commercial or industrial building or activity and which is zoned under authority of state law primarily to permit industrial or commercial activities or an unzoned commercial or industrial area.

5206. "Centerline of the highway" means a line equidistant from the edges of the median separating the main traveled way of a divided highway, or the centerline of the main traveled way of a nondivided highway.

5207. "Certificate of zoning compliance" is a certificate issued by a city, county or city and county as prescribed by Article 5 (commencing with Section 5320) of this chapter.

5208. "Collier-Z'berg Act" refers to Chapter 128, Statutes of 1964 (First Extraordinary Session).

5209. "Director" refers to the Director of Public Works of the State of California.

5210. "Federal Aid Highway Act of 1958" refers to Section 131 of Title 23 of the United States Code, as in effect before October 22, 1965.

5211. "Freeway" means a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code.

5212. "Freeway," for the purposes of this chapter only, means a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

5213. "Highway" includes roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

5214. "Highway Beautification Act of 1965" refers to Section 131 of Title 23 of the United States Code, as in effect October 22, 1965.

5215. "Interstate highway" means any highway at any time officially designated as a part of the national system of interstate and defense highways by the director and approved by appropriate authority of the federal government.

5216. "Landscaped freeway" means a section or sections of a freeway which is now, or hereafter may be, improved by the planting at least on one side of the freeway right-of-way of lawns, trees, shrubs, flowers or other ornamental vegetation which shall require reasonable maintenance.

Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

5217. "Outdoor advertising business" means the business or occupation of placing, erecting, constructing or maintaining advertising structures or signs including the installation of neon gas advertising displays and the installation of neon gas tubing upon advertising displays and of any other element or device designed to provide or increase the visibility of the advertising display.

"Outdoor advertising business" does not include the placing, erecting, constructing or maintaining of advertising displays exclusively pertaining to the business of the person placing the advertising display.

5218. "Penalty segment" means any segment of a highway located in this state which was not covered by the Federal Aid

Highway Act of 1958 and the Collier-Z'berg Act but which is covered by the Highway Beautification Act of 1965, namely, any segment of an interstate highway which is constructed upon right-of-way, any part of the width of which was acquired prior to July 1, 1956, and any segment of a primary highway.

5219. "Person" includes natural person, firm, copartnership, association and corporation.

5220. "Primary highway" means any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the director and approved by appropriate authority of the federal government.

5221. "Sign" refers to any card, cloth, paper, metal, painted or wooden sign of any character placed for outdoor advertising purposes on or to the ground or any tree, wall, bush, rock, fence, building, structure or thing, either privately or publicly owned other than an advertising structure.

"Sign" does not include:

(a) Official notices issued by any court or public body or officer;

(b) Notices posted by any public officer in performance of a public duty or by any person in giving any legal notice;

(c) Directional, warning or information signs or structures required by or authorized by law or by federal, state or county authority.

5222. "660 feet from the edge of the right-of-way" means 660 feet measured from the edge of the right-of-way horizontally along a line normal or perpendicular to the centerline of the highway.

5223. "Unzoned commercial or industrial area" means an area not zoned under authority of state law in which the land use is characteristic of that generally permitted only in areas which are actually zoned commercial or industrial under authority of state law, embracing all of the land on which one or more commercial or industrial activities are conducted, including all land within 1,000 feet, measured in each direction, from the nearest edge of the commercial or industrial building or activity on such land. As used in this section, "commercial or industrial activities" does not include the outdoor advertising business or the business of wayside fresh product vending.

5224. "Visible" means capable of being seen (whether or not legible) without visual aid by a person of normal visual acuity.

5225. The verb, "to place" and any of its variants, as applied to advertising displays, includes the maintaining and the erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible any advertising display on or to the ground or any tree, bush, rock, fence, post, wall, building, structure or thing. It does not include any of the foregoing activities when performed incident to the change of an adver-

tising message or customary maintenance of the advertising display.

5226. The regulation of advertising displays adjacent to any interstate highway or primary highway as provided in Section 5405 is hereby declared to be necessary to promote the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in such highways, to preserve the scenic beauty of lands bordering on such highways, and to insure that information in the specific interest of the traveling public is presented safely and effectively, recognizing that a reasonable freedom to advertise is necessary to attain such objectives. The Legislature finds:

(a) Outdoor advertising is a legitimate commercial use of property adjacent to roads and highways.

(b) Outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy, and should be allowed to exist in business areas, subject to reasonable controls in the public interest.

5227. It is the intention of the Legislature to occupy the whole field of regulation by the provisions of this chapter except that nothing in this chapter prohibits enforcement of any or all of its provisions by persons designated so to act by appropriate ordinances duly adopted by any county of this state nor does anything prohibit the passage by any county of reasonable land use or zoning regulations affecting the placing of advertising displays in accordance with the provisions of the Planning Law, Chapter 1 (commencing with Section 65000) of Title 7 of the Government Code, relating to zoning, or, with reference to signs or structures pertaining to the business conducted or services rendered or goods produced or sold upon the property upon which such advertising signs or structures are placed, ordinances subjecting such signs or structures to building requirements.

5228. It is declared to be the intent of the Legislature in enacting the provisions of this chapter regulating advertising displays adjacent to highways included in the national system of interstate and defense highways or the federal-aid primary highway system to establish minimum standards with respect thereto.

5229. The provisions of this chapter shall not be construed to permit a person to place or maintain in existence on or adjacent to any street, road or highway, including any interstate or state highway, any outdoor advertising prohibited by law or by any ordinance of any city, county or city and county.

5230. The governing body of any city, county, or city and county may enact ordinances, including, but not limited to, land use or zoning ordinances, imposing restrictions on advertising displays adjacent to any street, road, or highway equal to or greater than those imposed by this chapter.

5231. The governing body of any city or city and county may enact ordinances requiring licenses or permits, or both,

for the placing of advertising displays in view of any highway, including a highway included in the national system of interstate and defense highways or the federal-aid primary highway system, within its boundaries.

Article 2. Administration

5250. The director may make orders and regulations for the enforcement of this chapter and he may authorize the Division of Highways of the Department of Public Works to enforce its provisions.

5251. Regulations promulgated by the director prior to November 8, 1967, concerning interstate highways constructed upon rights-of-way, the entire width of which was acquired after July 1, 1956, shall be continued in effect to the extent necessary to comply with the agreement with the Secretary of Commerce specified in Section 131(j) of Title 23 of the United States Code.

5252. The director shall prescribe the form of all applications, licenses, permits and other appurtenant written matter.

5253. The director shall furnish requisite forms for applications, licenses and permits provided for in this chapter and may appoint a representative or agent in each of the counties throughout the state for the purpose of issuing the licenses and permits and collecting fees therefor as provided in this chapter. The agent or representative, in the discretion of the director, may be the county clerk in each county.

In the event of the appointment of the county clerk in any county by the director, the county clerk shall so act. Upon the issuance of any such license or permit by the authorized agent of the director, the agent shall immediately forward a copy thereof to the director.

5254. The director may enforce the penalties for failure to comply with the provisions of this chapter.

Article 3. Application of Chapter

5270. The regulation of the placing of advertising displays by this chapter, insofar as such regulation may affect the placing of advertising displays within view of the public highways of this state in unincorporated areas, shall be exclusive of all other regulations for the placing of advertising displays within view of the public highways of this state in unincorporated areas whether fixed by a law of this state or by a political subdivision thereof.

5271. The provisions of this chapter apply only to the placing of advertising displays within view of highways located in unincorporated areas of this state, except that the placing of advertising displays within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, interstate highways or primary highways, including the portions of such highways located in incorporated areas, shall be governed by this chapter.

5272. With the exception of the provisions contained in Article 4 (commencing with Section 5300) and Article 7 (commencing with Section 5400) of this chapter, nothing contained in this chapter applies to any advertising display used exclusively:

(a) To advertise the sale or lease of the property upon which such advertising display is placed.

(b) To designate the name of the owner or occupant of the premises or to identify such premises.

(c) To advertise the business conducted or services rendered or the goods produced or sold upon the property upon which such advertising display is placed if the display is upon the same side of the highway and within 800 feet of the point on the property or within 800 feet of the entrance to the site at which the business is conducted or services are rendered or goods are produced or sold.

Article 4. Licenses

5300. A person engages in the business of outdoor advertising whenever he personally or through employees places advertising displays containing advertising which does not pertain exclusively to his own business, or changes the advertising message of such advertising displays.

5301. No person shall engage in or carry on the business or occupation of outdoor advertising without first having paid the license fee provided by this chapter. The fee is payable annually in advance on the first day of July of each year to the director or his authorized agent. Each license shall remain in force for the term of one year from and after the first day of July, and may be renewed annually.

A license shall be obtained whether or not the advertising display requires a permit.

5302. All licenses issued on or after the first day of July shall expire on the 30th day of June following the date of issue. Fees for original licenses issued after the first day of July of each year shall be apportioned and collected on the basis of one-twelfth of the fee for each month or part thereof remaining in the fiscal year.

5303. Every application for a license shall be made on a form to be furnished by the director. It shall state the full name of the applicant and the post office address of his fixed place of business.

The issuance of a license entitles the holder to engage in or carry on the outdoor advertising business and to apply for permits during the term of the license.

Article 5. Certificates of Zoning Compliance

5320. When requested to do so pursuant to a resolution adopted by the governing body of a city, county, or city and county the director shall require the presentation of a certificate of zoning compliance or an application date stamped

pursuant to Section 5322 issued within 60 days of presentation, before issuing a permit pursuant to Article 6 (commencing with Section 5350) in respect to any advertising display to be placed within any area subject to the zoning regulations of such city, county, or city and county.

The resolution shall designate the local official with whom applications for certificates of zoning compliance are to be filed.

This article shall not apply to an application for a renewal of a permit for an existing advertising display.

5321. Every person desiring a certificate of zoning compliance shall file an application with the designated local official. The application shall be accompanied by a plot plan showing the location of the parcel on which the display is proposed and the proposed site on the parcel. The size and type of construction of the proposed display and whether or not it is electrical shall also be stated. A fee of two dollars (\$2) shall be paid upon presentation of the application.

5322. A duplicate of the application, prepared by the applicant, shall be date stamped by the local official at the time of presentation and returned to the applicant.

The applicant may present that duplicate application to the director with his application for a permit 10 days from the date stamped thereon.

This application may be made in person or by mail. If by mail the date stamped duplicate shall be placed in the mail addressed to the applicant on the day received.

5323. If the proposed display complies with zoning regulations a certificate of zoning compliance shall be issued. That certificate shall state or otherwise describe the location of the parcel on which the display is to be placed, the zone designation, and all pertinent restrictions within that zone. The certificate shall also identify the applicant by name and address and the date of the application.

The certificate shall be prepared in at least three copies. An original shall be mailed to the applicant, a duplicate shall be mailed to the director, at whatever address he may from time to time specify, and the remaining copy shall be retained by the local officer, for so long as he deems necessary.

5324. If the proposed display does not comply with local zoning regulations a notice to this effect shall be prepared, and distributed in the same manner as a certificate of zoning compliance, except that this notice must be issued and mailed within seven days of the application.

This notice shall specify wherein the proposed display would violate local zoning regulations and shall bear the name and address of the applicant.

5325. The director shall prescribe a form to be used for applications for a certificate of zoning compliance. He shall also prescribe the form to be used for the notice to be issued pursuant to Section 5324.

Article 6. Permits

5350. No person shall place any advertising display within the areas affected by the provisions of this chapter in this state without first having secured a written permit from the director or from his authorized agent.

5351. Every person desiring a permit to place any advertising display shall file an application with the director or with his authorized agent. No application shall be accepted which is not accompanied by an application for a certificate of zoning compliance for the same display, which bears a date stamp at least 10, and not more than 60, days prior to the date of application for a permit, if the display is proposed for a site within the jurisdiction for a local agency whose governing board has adopted a resolution pursuant to Section 5320.

5352. No permit may be issued for a proposed display in respect to which a local official has issued a notice pursuant to Section 5324.

5353. The application shall be filed on a blank to be furnished by the director or by his agent. It shall set forth the name and address of the applicant and shall contain a general description of the property upon which it is proposed to place the advertising display for which a permit is sought and a diagram indicating the location of the proposed advertising display on the property, in such a manner that the property and the location of the proposed advertising display may be readily ascertained and identified.

5354. The applicant for any permit shall offer evidence that the owner or other person in control or possession of the property upon which the location is situated has consented to the placing of the advertising display.

5355. If the application is for a permit to place a sign, it shall contain a description of the sign including the material, the size and the subject thereof and the proposed manner of placing it.

5356. If the application is for a permit to place an advertising structure, it shall be accompanied by construction plans thereof. But if the applicant has theretofore filed with the director certified copies of standard specifications used by the applicant in constructing and erecting advertising structures, the application may refer to the standard specifications in lieu of being accompanied by the construction plans.

5357. If the applicant for a permit is engaged in the outdoor advertising business, the application shall contain the number of the license issued by the director.

5358. If the application is in full compliance with the provisions of this chapter and if the advertising display will not be in violation of any other state law, the director or his authorized agent shall, within 10 days after the filing of the application and upon payment by the applicant of the fee provided by this chapter, issue a permit to place the advertising display for the remainder of the calendar year in which the permit is issued.

5359. The issuance of a permit for the placing of an advertising structure includes the right to change the advertising copy thereon without obtaining any additional permit for the remainder of the calendar year in which the permit is issued and without the payment of any additional permit fee.

The issuance of a permit does not affect the obligation of the owner of the advertising display to comply with a zoning ordinance applicable to the advertising display under the provisions of this chapter nor does the permit prevent the enforcement of the applicable ordinance by the county.

5360. Permits shall be renewed on the first day of January of each year upon the application and the payment of fees as provided in this chapter and shall expire on the 31st day of December of the year.

5361. Each permit provided in this chapter shall carry an identification number and shall entitle the holder to place the advertising display described in the application.

5362. No person shall place any advertising display unless there is securely fastened upon the front thereof an identification number plate of the character specified in Section 5363. The placing of any advertising display without having affixed thereto an identification number plate is prima facie evidence that the advertising display has been placed and is being maintained in violation of the provisions of this chapter, and any such display shall be subject to removal as provided in Section 5463.

5363. Identification number plates shall be furnished by the director. Identification number plates shall bear the identification number of the advertising display to which they are assigned.

Article 7. Regulations

5400. No advertising structure may be maintained unless the name of the person owning or maintaining it, is plainly displayed thereon.

5401. No advertising structure shall be placed unless it is built to withstand a wind pressure of 20 pounds per square foot of exposed surface. Any advertising structure not conforming to this section shall be removed as provided in Section 5463.

5402. No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character.

5403. No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

(a) If within the right-of-way of any highway.

(b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any such permitted sign, or if intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down."

(c) If within any stream or drainage channel or below the floodwater level of any stream or drainage channel where the advertising display might be deluged by floodwaters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.

(d) If not maintained in safe condition.

(e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.

(f) If visible from any highway which is a part of the interstate or primary systems, and which is placed upon trees, or painted or drawn upon rocks or other natural features.

(g) If any illumination thereon shall be of such brilliance and so positioned as to blind or dazzle the vision of travelers on adjacent highways.

(h) If visible from any bonus segment and displaying any flashing, intermittent or moving light or lights.

5404. No advertising display shall be placed outside of any business district as defined in the Vehicle Code or outside of any unincorporated city, town or village, or outside of any area that is subdivided into parcels of not more than 20,000 square feet each in area in any of the following locations or positions, or under any of the following conditions, or if the advertising display is of the following nature:

(a) If within a distance of 300 feet from the point of intersection of highway or of highway and railroad right-of-way lines, except that this does not prevent the placing of advertising display on that side of an intercepted highway that is opposite the point of interception. But in case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of 300 feet then advertising displays may be placed on such buildings, structure or other object if such displays will not further obstruct the vision of those approaching the intersection or interception, or if any such display does not project more than one foot therefrom.

(b) If placed in such a manner as to prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

5405. Notwithstanding any other provisions of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway other than the following:

(1) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, and which comply with regulations which shall be promulgated by the director relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this chapter, which regulations shall not be inconsistent with such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(2) Advertising displays advertising the sale or lease of the property upon which they are located, provided all such advertising displays within 660 feet of the edge of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251 and 5415.

(3) Advertising displays which advertise the business conducted or services rendered or the goods produced or sold upon the property upon which the advertising display is placed, if the display is upon the same side of the highway as the advertised activity; provided all such advertising displays within 660 feet of the right-of-way of a bonus segment shall comply with the regulations prescribed pursuant to Sections 5251 and 5415; and provided that no such advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information).

(4) Advertising displays erected or maintained pursuant to regulations of the director, and not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

5406. The provisions of Sections 5226 and 5405 shall not apply to bonus segments which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on the national system of interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other business areas where the land use, as of September 21, 1959, was clearly established by state laws as industrial or commercial, provided that advertising displays within 660 feet of the edge of the right-of-way of such bonus segments shall be subject to the provisions of Section 5408.

5407. The provisions of Sections 5226 and 5405 shall not apply to penalty segments which are located, or which are to be located, in business areas and which comply with Section 5408, except that Sections 5226 and 5405 shall apply to unzoned commercial or industrial areas in which the commercial

or industrial activity ceases and is removed or permanently converted to other than a commercial or industrial activity, and displays in such areas shall be removed not later than five years following the cessation, removal, or conversion of the commercial or industrial activity.

5408. In addition to the advertising displays permitted by Section 5405, advertising displays conforming to the following standards, and not in violation of any other provisions of this act, may be placed in business areas along interstate or primary highways:

(a) Advertising displays shall not be placed which exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, which exceeds 1,200 square feet in area, and which is permitted by city or county ordinance, may be maintained in existence.

(b) Advertising displays shall not be placed which are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor shall any advertising display cause beams or rays of light to be directed at the traveled ways if such light is of such intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

(c) Advertising displays shall not be placed in such a manner as to obstruct, or otherwise physically interfere with, an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.

(d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway which is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway which is a freeway and if the interstate or primary highway is located outside the limits of an incorporated city. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city. No advertising display shall be

placed within 100 feet from another advertising display on the same side of any portion of a primary highway which is not a freeway if that portion of the primary highway is located inside the limits of an incorporated city. But this subdivision shall not apply to advertising displays which are separated by a building or other obstruction in such a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time. This subdivision shall not prevent the erection of double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a). This subdivision shall not apply to advertising displays permitted by Section 5405. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway. Any advertising display lawfully in existence on August 1, 1967, which does not conform to the provisions of this subdivision but which is permitted by city or county ordinances may be maintained in existence.

5409. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any bonus segment, and which advertising display was lawfully maintained in existence on July 1, 1964, but which is not within one of the classes specified in Section 5405 or exempted by Section 5406, may be maintained in existence until July 1, 1969, unless required to be removed prior thereto by order of the director; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

5410. Any advertising display located within 660 feet of the edge of the right-of-way of, and the copy of which is visible from, any penalty segment, or any bonus segment described in Section 5406 which display was lawfully maintained in existence on the effective date of this section but which was not on that date in conformity with the provisions of this article, may be maintained, and shall not be required to be removed until July 1, 1970. Any other sign which is lawful when erected, but which does not on January 1, 1968, or any time thereafter, conform to the provisions of this article, may be maintained, and shall not be required to be removed, until the end of the fifth year after it becomes nonconforming; provided that this section shall not apply to advertising displays adjacent to a landscaped freeway.

5411. Owners of advertising displays which are required to be removed prior to July 1, 1969, by order of the director pursuant to Section 5409, and the owners of the land upon which such displays are located, shall be paid just compensation for the reasonable damages suffered by reason of such removal between the date of removal and July 1, 1969.

5412. Each removal ordered by the director, on or after November 8, 1967, of any of the following advertising displays which is not as of that date in conformity with the provisions

of this article shall be deemed a removal under Section 5410 and shall be deemed to constitute a taking, within the meaning of the Highway Beautification Act of 1965, subdivision (g) of Section 131 of Title 23 of the United States Code, as in effect October 22, 1965, of all right, title, and interest, including any leasehold interest, of the owner of the advertising display and of the right of the owner of the real property on which the advertising display is located to erect and maintain such advertising display thereon:

(a) Advertising displays lawfully in existence on October 22, 1965.

(b) Advertising displays on real property adjoining a highway made an interstate highway or a primary highway between October 21, 1965, and January 1, 1968, which were lawfully in existence on the date the highway was so classified.

(c) Signs lawfully in existence on, or lawfully erected on or after, January 1, 1968.

If federal law requires the states to pay just compensation with regard to the removal, on or after July 1, 1970, or the end of the fifth year after an advertising display becomes nonconforming, as the case may be, of such advertising displays, owners of such advertising displays which are removed pursuant to this article or owners of the land upon which such displays are located, or both, whichever way the federal law is interpreted, shall be paid just compensation. The sole intent of the Legislature in enacting this paragraph is to comply with federal law, and it is otherwise not the intent of the Legislature to in any manner relinquish any of its powers relating to the removal of advertising displays under the police power.

5413. The compensation required by Section 5412 shall be paid to the person or persons entitled thereto upon filing of a written claim with the director containing such information as the director may reasonably require. The claim for compensation must be filed within 180 days after removal is completed.

5414. If the director and a person who has presented a claim under Section 5413 do not reach agreement as to whether compensation is payable under Section 5412 or as to the amount of such compensation within 120 days after the filing of such a claim, the claimant may institute an action at law to have his right to such compensation and the amount of such compensation determined. Such an action shall be instituted by the filing of the complaint in the superior court for the county in which the advertising display and the real property are located. The complaint shall be filed not later than one year after the filing with the director of the claim for compensation. Such an action shall be treated in accordance with Title 7 (commencing with Section 1237) of Part 3 of the Code of Civil Procedure.

5415. The director shall prescribe and enforce regulations for the erection and maintenance of advertising displays permitted by Sections 5226, 5405, and 5408 consistent with Section 131 of Title 23 of the United States Code and the national standards promulgated thereunder by the Secretary of Trans-

portation; provided, that the director shall not prescribe regulations imposing stricter requirements for the size, spacing or lighting of advertising displays than are prescribed by Section 5408 and provided that the director shall not prescribe regulations to conform to changes in federal law or regulations made after November 8, 1967, without prior legislative approval.

Notwithstanding any other provisions of this chapter, no outdoor advertising shall be placed or maintained adjacent to any interstate highway or primary highway in violation of the national standards promulgated pursuant to subsections (c) and (f) of Section 131 of Title 23 of the United States Code, as such standards existed on November 8, 1967.

5416. The director shall seek, and may enter into, agreements with the Secretary of Transportation of the United States and shall take such steps as may be necessary from time to time to obtain, and may accept, any allotment of funds as provided by subdivision (j) of Section 131 of Title 23 of the United States Code, as amended from time to time, and such steps as may be necessary from time to time to obtain funds allotted pursuant to Section 131 for the purpose of paying the 75 percent federal share of the compensation required by subdivision (g) of Section 131 of Title 23 of the United States Code.

5417. If compensation is required by federal law, as described in the last paragraph of Section 5412, no advertising display shall be required to be removed pursuant to Section 5410 unless and until federal funds for the federal share of compensation therefor, to wit, 75 percent, required by subdivision (g) of Section 131 of Title 23 of the United States Code have been appropriated by the federal government and made immediately available to the director and notification of such appropriation and immediate availability has been received by the director. This section shall not apply to the removal of any advertising display for which no federal share is payable.

5418. No advertising display shall be required to be removed pursuant to Section 5410 unless and until the expenditure for payments of just compensation therefor in the manner prescribed in Sections 5412, 5413, and 5414 has been hereafter authorized by statute, which statute shall designate the source of funds for such payments.

5419. (a) The director shall seek agreement with the Secretary of Transportation of the United States, or his successor, under provisions of Section 131 of Title 23 of the United States Code, to provide for effective control of outdoor advertising substantially as set forth herein, provided that such agreement can vary and change the definition of "unzoned commercial or industrial area" as set forth in Section 5222 and the definition of "business area" as set forth in Section 5223, or other sections related thereto, and provided further that if such agreement does vary from such sections it shall not be effective until the Legislature by statute amends the

sections to conform with the terms of the agreement. If agreement is reached on these terms, the director shall execute the agreement on behalf of the state.

(b) In the event an agreement cannot be achieved under subdivision (a), the director shall promptly institute proceedings of the kind provided for in subdivision (l) of Section 131 of Title 23 of the United States Code, in order to obtain a judicial determination as to whether this chapter and the regulations promulgated thereunder provide effective control of outdoor advertising as set forth therein. In such action the director shall request that the court declare rights, status, and other legal relations and declare whether the standards, criteria, and definitions contained in the agreement proposed by the director are consistent with customary use. If such agreement is held by the court in a final judgment to be invalid in whole or in part as inconsistent with customary use or as otherwise in conflict with Section 131 of Title 23 of the United States Code, the director shall promptly negotiate with the Secretary of Transportation, or his successor, a new agreement or agreements which shall conform to this chapter, as interpreted by the court in such action.

Article 8. Landscaped Freeways

5440. Except as provided in Sections 5441 and 5442, no advertising display shall be placed or maintained on property adjacent to a section of freeway which has been, or hereafter may be, landscaped if the advertising display is designed to be viewed primarily by persons traveling on such landscaped section of a freeway.

5441. Any advertising structure or sign which is now, or hereafter shall be, in violation of the provisions of Section 5440 shall be removed within three years from the date when the project for the landscaping of a section or sections of a freeway shall have been completed or accepted, and the character of such section or sections shall have been changed from a freeway to a landscaped freeway.

5442. The provisions of Section 5440 shall not apply to any advertising structure or sign if the advertising display is used exclusively:

(a) To advertise the sale or lease of the property upon which such advertising display is placed.

(b) To designate the name of the owner or occupant of the premises upon which such advertising display is placed, or to identify such premises.

(c) To advertise goods manufactured or produced, or services rendered, on the property upon which such advertising display is placed.

5443. Nothing in this chapter shall prohibit any county from designating the districts or zones in which advertising displays may be placed or prohibited as part of a county land use or zoning ordinance.

Article 9. Crimes and Penalties

5460. It is unlawful for any person to place or cause to be placed, or to maintain or cause to be maintained any advertising display without the lawful permission of the owner or lessee of the property upon which the advertising display is located.

5461. All advertising displays which are placed or which exist in violation of the provisions of this chapter are public nuisances and may be removed by any public employee as further provided in this chapter.

5462. All advertising displays which were lawfully erected and which are maintained after January 1, 1968, in violation of Section 5405 or 5408 of this chapter or the regulations of the director prescribed hereunder may be removed by the director upon 60 days' prior notice, by certified or registered mail, to the owner thereof. But no notice shall be required to be given to the owner of an advertising display whose name is not plainly displayed thereon. The 60 days shall be computed from the date of mailing.

5463. The director may revoke any license or permit for the failure to comply with the provisions of this chapter and may remove and destroy any advertising display placed or maintained in violation of this chapter after 10 days' written notice posted on such structure or sign and a copy forwarded by mail to the display owner at his last known address.

Notwithstanding any other provision of this chapter the director or any authorized employee may summarily and without notice remove and destroy any advertising display placed in violation of this chapter which is temporary in nature because of the materials of which it is constructed or because of the nature of the copy thereon.

For the purpose of removing or destroying any advertising display placed in violation of the provisions of this chapter, the director or his authorized agent may enter upon private property.

5464. Every person as principal, agent or employee, violating any of the provisions of this chapter is guilty of a misdemeanor.

5465. The remedies provided in this chapter for the removal of illegal advertising displays are cumulative and not exclusive of any other remedies provided by law.

Article 10. Revenue

5480. The fees for licenses and permits prescribed by this chapter are in lieu of all other license and permit fees required by the laws of the state or of any political subdivision thereof for the privilege of engaging in the outdoor advertising business or placing advertising display within view of the public highways in unincorporated areas.

5481. All license and permit fees collected by the director and his authorized agents in accordance with the provisions of

this chapter shall be forwarded to and deposited with the Treasurer of the state monthly, to the credit of a special account in the State Highway Fund, except that 20 percent of all fees collected by county clerks appointed by the director shall be retained by the county in which the fees are collected. All money received by the state from the United States pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code shall be deposited in the same special account in the State Highway Fund. All license and permit fees shall be accounted for by the director in the manner provided by law.

5482. All fines imposed and recovered under this chapter are payable to the State Treasurer to the account of the State Highway Fund.

5483. The expense of administering this chapter is under the control of the director. All money paid into the special account in the State Highway Fund pursuant to this article is continuously appropriated without regard to fiscal years for the administration and enforcement of this chapter and for payment of compensation pursuant to Section 5411. Upon the order of the director, the Controller shall, without the approval of any board, draw his warrant upon the Treasurer for the amount specified and in favor of the person designated in the order. The Controller shall also account for the receipts and disbursements of all money paid into the State Highway Fund pursuant to this article. For the purpose of recording by the Controller of such receipts and disbursements, the department shall furnish to the Controller with claims and remittances or by subsequent reports the information necessary to maintain such accounts of money paid into the State Highway Fund pursuant to this article.

The director shall, within 90 days after the close of each fiscal year, file with the Department of Finance and the Controller an annual report of all revenues and expenditures pertaining to the administration of this chapter.

5484. The license fee is one hundred thirty dollars (\$130) for an original license and for each annual renewal thereof, except where the applicant has engaged in the business of outdoor advertising without a valid, unrevoked and unexpired license, the fee for any issuance of the first license thereafter is one hundred ninety-five dollars (\$195), one-third of which is the penalty.

5485. (a) The permit fee for each advertising sign is fifty cents (\$0.50) for an original permit and for each annual renewal thereof, except where the applicant has placed or maintained any such sign without a valid unrevoked and unexpired permit therefor, the fee for any issuance of the first permit thereafter is one dollar and fifty cents (\$1.50), one dollar (\$1) of which is the penalty.

(b) The permit fee for an advertising structure for the original permit and for each annual renewal thereof is seven dollars (\$7), except where the applicant has placed or main-

tained such structure without a valid, unrevoked and unexpired permit therefor. the fee for any issuance of the first permit thereafter is fourteen dollars (\$14), seven dollars (\$7), of which is the penalty.

5486. In addition to the fees set forth in Section 5485, no application for an original permit to place an advertising structure shall be accepted by the department unless it is also accompanied by an application fee of twenty dollars (\$20). The application fee shall be retained by the department whether or not a permit is issued.

CHAPTER 992

An act to amend Sections 1, 3, 4, and 5 of Chapter 842 of the Statutes of 1968, relating to local water agency bonds.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 842 of the Statutes of 1968 is amended to read:

Section 1. In furtherance of the provisions of Chapter 5.5 (commencing with Section 12894) of Part 6, Division 6 of the Water Code, the Department of Water Resources is hereby authorized to enter into a commitment, upon the terms and conditions herein specified, to make a loan from funds appropriated for such purpose by Section 12894 of the Water Code to each of the following public agencies (hereinafter in this act referred to as the "agency"): the Belridge Water Storage District, the Berrenda Mesa Water District, the Buena Vista Water Storage District, the Cawelo Water District, the Dudley Ridge Water District, the Kern Delta Water District, the Lost Hills Water District, the Rosedale Rio Bravo Water Storage District, the Pond Poso Improvement District of the Semitropic Water Storage District, the Buttonwillow Improvement District of Semitropic Water Storage District, the Tehachapi-Cummings County Water District, the Wheeler Ridge-Maricopa Water Storage District, and the Henry Miller Water District. No loan commitment shall be made pursuant to this act to any agency for an amount in excess of 15 percent of the aggregate principal amount of the next general obligation bond issue of the agency for the purpose of the construction of projects for the utilization of water from the State Water Resources Development System or water obtained through an exchange of water from the system.

SEC. 2 Section 3 of Chapter 842 of the Statutes of 1968 is amended to read:

Sec. 3. No loan commitment shall be made with respect to any bond issue unless such bond issue has been approved for certification by the State Treasurer pursuant to the provi-

sions of Division 10 (commencing with Section 20000) of the Water Code. The date on which such bond issue is approved for certification by the State Treasurer shall determine the priority of the agency issuing such bonds in the event available funds are not sufficient to meet all applications under this act.

SEC. 3. Section 4 of Chapter 842 of the Statutes of 1968 is amended to read:

Sec. 4. The department shall determine whether or not to approve a loan commitment to the agency, based on such information as may then be available to the department. If approved, the amount of the loan commitment, not to exceed 15 percent of the aggregate principal amount of the bond issue, and the period of the loan commitment, not to exceed 10 years from the date of issuance of the bonds, shall be determined by the department in accordance with the degree of loan commitment deemed necessary to support a sale of the bond issue. The amount of loan commitment need not be the same during the entire period of the loan commitment.

SEC. 4. Section 5 of Chapter 842 of the Statutes of 1968 is amended to read:

Sec. 5. No loan commitment funds shall be available to an agency unless the agency enters into a loan commitment contract with the department under which the agency agrees to the following terms and conditions:

(a) The loan commitment obligation shall extend for a period of not in excess of 10 years from the date of the issuance of the general obligation bonds, and during such period the state shall be obligated to loan to the agency, according to the terms and conditions of the loan commitment contract, funds, not to exceed such specified total amount, for use by the agency in making principal or interest payments accruing on such general obligation bonds.

(b) The agency shall submit a written request for loan commitment funds, on a form to be provided by the department, which specifies the use to be made of such funds and which contains the certification of the agency that insufficient funds are available from other sources, including bond reserve funds and taxes or assessments, for the purpose of making such principal or interest payments. Each year during the loan commitment period in which the agency is unable to raise sufficient funds by other means, it shall levy upon all property in the agency subject to taxation or assessment a tax or assessment sufficient to enable the agency to make the principal and interest payments due or to become due on such bonds prior to the date of the next tax or assessment levy.

(c) Loan commitment funds received by the agency shall be deposited in a special fund, and, upon request by the department, the agency shall submit written reports to the department on the expenditure by the agency of any such funds.

(d) After the termination of the loan commitment period, the department shall submit to the agency a statement showing the principal amount of the loan, which shall be the difference between the total amount of money disbursed to the agency under the loan commitment contract and any amount previously repaid to the state by the agency as a partial repayment of the moneys loaned. The principal amount of the loan shall be repaid in not to exceed 10 consecutive annual installments to be set forth in a loan repayment schedule, but the amount of each installment may be tailored to the particular circumstances of the agency and need not be equal. The first installment shall be due and payable in the year following the year in which the statement of the principal amount of the loan is submitted to the agency. The agency shall have the option of paying in advance, on any date when an annual installment is due, all or any part of the unpaid portion of the principal amount of the loan.

(e) Interest shall be charged on the unpaid balance of the amounts of money disbursed to the agency pursuant to the loan commitment contract at an annual rate equal to the net interest cost to the agency on the bonds for which such money has been disbursed. Such interest shall be due and payable in the year following the year in which the first disbursement of a portion of the loan commitment funds is made under the contract, and each year thereafter. The agency may, however, defer the payment of any interest amount until the first installment on the principal amount of the loan is due and payable, and no interest shall be charged on the deferred interest amounts during such deferral period. After the interest deferral period, the total accrued interest amounts shall become payable, and thereafter such accrued interest shall bear interest at the rate specified above. Such interest shall be payable, in consecutive equal annual installments during the period of the repayment of the principal amount of the loan. Interest shall be charged on all delinquent interest payments.

(f) The governing body of the agency shall provide for the punctual payment of all amounts due and payable to the state pursuant to the loan commitment contract, and if necessary shall levy taxes or assessments to make such payments and enforce and collect such taxes or assessments and place them in a special fund for use in making such payments to the state; provided, that payments due the state pursuant to such contract shall be junior in priority of obligation to payments of principal and interest due on the general obligation bonds for which funds have been disbursed under such contract, if the agency so agrees with the holders of such bonds at the time of their issuance.

SEC 5. The amendments to Sections 4 and 5 of Chapter 842 of the Statutes of 1968 made by the provisions of this act shall be operative only with respect to loan commitments made on or after the effective date of this act.

CHAPTER 993

An act to add Section 13323.5 to the Government Code, relating to fiscal year budgets.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13323.5 is added to the Government Code, to read:

13323.5 Notwithstanding any limitation contained in any budget subject to this article, the department, upon the request of any agency which has an employee or employees on disability leave under Section 4800 of the Labor Code, may authorize an increase in the budgeted number for the agency, in order to establish the personnel level of the agency at the level provided for in the agency budget plus any employees on disability leave under Section 4800 of the Labor Code.

CHAPTER 994

An act to amend Section 16304 of, and to add Sections 16300.1 and 16301.1 to, the Welfare and Institutions Code, relating to life care contracts.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 16300.1 is added to the Welfare and Institutions Code, to read:

16300.1 As used in this chapter "contracts" or "agreements" means both life care contracts and continuing care agreements.

SEC. 2. Section 16304 of the Welfare and Institutions Code is amended to read:

16304. Any organization or person receiving a certificate of authority to enter into care agreements shall maintain reserves covering obligations assumed under all agreements entered into and maintained. Such reserves shall be in an amount not less than the sum computed in accordance with the standard of valuation based upon a modern and up-to-date table of mortality selected by the department in consultation with the Department of Insurance. The table of mortality shall be employed in connection with all care agreements entered into on or after January 1, 1958, while McClintock's table of mortality among annuitants shall be employed in connection with care agreements entered into prior to January 1, 1958. The interest assumption for such com-

putation shall be determined by the department in consultation with the Department of Insurance.

Failure to maintain reserves as provided in this section shall be deemed a breach of all agreements to furnish care.

The reserves shall consist of the following:

1. Deposits in commercial and savings accounts with banks which are members of the Federal Deposit Insurance Corporation and approved by the department.

2. Investments in certificates issued by building and loan associations which are members of the Federal Savings and Loan Insurance Corporation and approved by the department.

3. Notes receivable secured by first deeds of trust and first mortgages.

4. Bonds and stocks selected from an approved list, as determined by the department in consultation with the Department of Insurance and the Department of Corporations. In the event stocks, bonds, and securities that are not on the approved list are part of the reserves, and if they are to be retained as part of the reserves, it shall not be necessary that such unapproved stocks, bonds, and securities be disposed of immediately, but they shall be disposed of in accord with regulations of the department, which disposal shall be accomplished in a gradual manner so as to avoid loss to certificate holders. Securities which, although not on the approved list, should be retained in the reserve for reasons acceptable to the department may be retained with the specific approval of the department.

5. Real estate used to provide care and housing for holders of life care contracts, continuing care agreements, or equities therein, owned by the organization or person, shall be based on 70 percent of the net equity thereof, which shall be the appraised value less any depreciation and encumbrances. The appraisal shall be made by an appraiser approved by the department.

6. Furniture and equipment situated in property used to provide care and housing for holders of life contracts, to the extent of 70 percent of the net equity thereof.

7. Real estate or equities therein owned by the organization or person as an investment, the rents from which are used to discharge obligations to the holder of life care contracts or to reinvest as a part of the reserves.

8. Investment certificates or shares in open end investment trusts (1) whose management must have been managing a mutual fund registered under the Investment Company Act of 1940, or the management must have been registered as an investment adviser under the Investment Advisors' Act of 1940, and in either case must currently have at least one hundred million dollars (\$100,000,000) under its supervision; (2) which is qualified for sale in California; (3) has at least 40 percent of its directors or trustees not affiliated with the fund's management company or principal underwriter or any of their affiliates; (4) is registered under the Investment Com-

pany Act of 1940; and (5) is a fund listed as qualifying under rules maintained by the Commissioner of Corporations in cooperation with the Department of Insurance.

9. At least 25 percent of the reserve necessary to maintain all continuing care agreements, or life care contracts, must consist of listed bonds, stocks, commercial and savings accounts and building and loan certificates except that a 5-percent requirement will apply to those homes and organizations which have at least one-half of their contracts under the monthly fee basis. Any person or organization holding a certificate of authority to enter into life care agreements upon the effective date of this act, that is unable to meet the reserve requirements of this subdivision, may petition the department for a modification of the percentage in the reserve requirement.

Any person or organization which has entered into care agreements prior to October 1, 1957, but which was not required prior to September 11, 1957, to obtain a certificate of authority under this chapter, is not required to maintain reserves covering obligations assumed under any agreement entered into prior to October 1, 1957.

SEC 3. Section 16304.1 is added to the Welfare and Institutions Code, to read:

16304.1. Notwithstanding any other provisions of this chapter the amount of reserve required by Section 16304 for any life care contract or continuing care agreement for which the advance fee is less than the maximum annualized amount of aid payable to a recipient of aid under the aid to the aged program shall be based on the amount of the advanced deposit which shall be amortized on a five-year basis.

CHAPTER 995

An act to add Article 6.5 (commencing with Section 2816) to Chapter 6 of Division 2 of, and to add Article 7 (commencing with Section 2896) to Chapter 6.5 of Division 2 of, the Business and Professions Code, relating to nursing education, and making an appropriation therefor.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 2816) is added to Chapter 6 of Division 2 of the Business and Professions Code, to read:

Article 6.5 Nursing Education Programs

2816. There is hereby established a special nursing manpower development program for the purpose of assisting persons in nursing occupations to either upgrade the level of

their skill or licensure or both. The program may include, but is not limited to, any of the following:

- (a) Scholarships, including grants to meet living costs or portions thereof.
- (b) Tutorial services.
- (c) Counseling services.
- (d) Grants to cover the cost of required books and uniforms.
- (e) Grants to cover the cost of necessary transportation for classroom instruction and clinical experience.

2817. The board shall administer the program under this article and shall for such purpose adopt such rules and regulations as it determines are necessary to carry out the provisions of this article.

2818. No person shall be awarded financial or other assistance under this article unless he meets all of the following qualifications:

- (a) He is a resident of California.
- (b) He is currently employed or was employed within the past year in a nursing occupation.
- (c) He shall select and designate the study program prescribed by Section 2819 for upgrading his skill in his profession, and shall provide satisfactory evidence that he is qualified to enroll in such study program.
- (d) He shall be eligible, upon successful completion of the study program, for either: (1) Licensure in a new classification of nursing or (2) a baccalaureate degree with a major in nursing.
- (e) He shall demonstrate the need for financial or other assistance under this article.
- (f) He is unable to qualify for or obtain scholarship aid in his community under any federal traineeship program, the Health Manpower Act of 1968 (P.L. 90-490), the Manpower Development and Training Act of 1962 (P.L. 87-415), the Manpower Development and Training Amendments of 1966 (P.L. 89-792), or any other federal program of assistance for obtaining preparation in nursing occupations.

2819. Assistance under this article shall only be granted to a student who otherwise qualifies under this article and who enrolls in an educational institution with policies satisfactory to the board regarding the acceptance of transfer credits from other education institutions, and pursues a program of study to achieve the following objective:

For persons who are licensed as registered nurses by the state but do not have a baccalaureate degree with a major in nursing and by completing the study program, in which they are participating, will be awarded such a degree.

2820. The assistance to a student shall remain in effect during the period determined by the board, conditioned upon continued enrollment and satisfactory progress toward the completion of the selected study program.

2821. Assistance under this article shall be made available without regard to race, religion, creed, or sex.

2822. Scholarships under subdivision (a) of Section 2816 shall be in an amount not to exceed two hundred dollars (\$200) a month, plus school fees for the full-time students, or in such amount up to two hundred dollars (\$200) as may be determined necessary by the board for students who continue to be employed on a part-time basis.

SEC. 2. Article 7 (commencing with Section 2896) is added to Chapter 6.5 of Division 2 of the Business and Professions Code, to read:

Article 7. Nursing Education Programs

2896. There is hereby established a special nursing manpower development program for the purpose of assisting persons in nursing occupations to either upgrade the level of their skill or licensure or both. The program may include, but is not limited to, any of the following:

- (a) Scholarships, including grants to meet living costs or portions thereof.
- (b) Tutorial services.
- (c) Counseling services.
- (d) Grants to cover the cost of required books and uniforms.
- (e) Grants to cover the cost of necessary transportation for classroom instruction and clinical experience.

2896.3. The board shall administer the program under this article and shall for such purpose adopt such rules and regulations as it determines are necessary to carry out the provisions of this article.

2896.5. No person shall be awarded financial or other assistance under this article unless he meets all of the following qualifications:

- (a) He is a resident of California.
- (b) He is currently employed or was employed within the past year in a nursing occupation.
- (c) He shall select and designate one of the study programs prescribed by Section 2896.7 for either upgrading his skill in his profession or licensure, or both, and shall provide satisfactory evidence that he is qualified to enroll in such study program.
- (d) He shall be eligible, upon successful completion of the study program for licensure in a new classification of nursing.
- (e) He shall demonstrate the need for financial or other assistance under this article.
- (f) He is unable to qualify for or obtain scholarship aid in his community under any federal traineeship program, the Health Manpower Act of 1968 (P.L. 90-490), the Manpower Development and Training Act of 1962 (P.L. 87-415), the Manpower Development and Training Amendments of 1966 (P.L. 89-792), or any other federal program of assistance for obtaining preparation in nursing occupations.

2896.7. Assistance under this article shall only be granted

to a student who otherwise qualifies under this article and who enrolls in an educational institution with policies satisfactory to the board regarding the acceptance of transfer credits from other education institutions, and pursues a program of study to achieve one of the following goals:

(a) For persons who are employed as unlicensed aides or other assistants to nurses, participating in a study program, which is approved by the appropriate state licensing agency, that leads to a licensure as a vocational nurse or registered nurse.

(b) For persons who are licensed by the state as vocational nurses, participating in a study program, which is approved by the Board of Nursing Education and Nurse Registration, that leads to a licensure as a registered nurse.

2897. The assistance to a student shall remain in effect during the period determined by the board, conditioned upon continued enrollment and satisfactory progress toward the completion of the selected study program.

2897.3. Assistance under this article shall be made available without regard to race, religion, creed, or sex.

2897.5. Scholarships under subdivision (a) of Section 2896 shall be in an amount not to exceed two hundred dollars (\$200) a month, plus school fees for the full-time students, or in such amount up to two hundred dollars (\$200) as may be determined necessary by the board for students who may continue to be employed on a part-time basis.

SEC. 3. There is hereby appropriated one hundred thousand dollars (\$100,000) for the 1970-1971 fiscal year for purposes of this act, as follows:

(a) Thirty-five thousand dollars (\$35,000) from the California Board of Nursing Education and Nurse Registration Fund to the California Board of Nursing Education and Nurse Registration to carry out the provisions of Section 2819 of the Business and Professions Code.

(b) Sixty-five thousand dollars (\$65,000) from the accumulated surplus from the vocational nurse account in the Vocational Nurse and Psychiatric Technician Examiners Fund to the California Board of Vocational Nurse and Psychiatric Technician Examiners to carry out the provisions of Section 2896.7 of the Business and Professions Code.

CHAPTER 996

An act to amend Sections 10460 and 10461 of the Health and Safety Code, relating to birth records.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10460 of the Health and Safety Code is amended to read:

10460. (a) Whenever either of the parents of a minor child born in this state has his name changed by order of a court of this state, or whenever either of the parents of a minor child born in this state has his name changed by a court order in naturalization proceedings an affidavit of that fact may be filed by the parent with the State Registrar upon a form provided for that purpose.

(b) Whenever a parent having custody or control of a minor child born in this state has had his name changed by order of a court of this state, and the other parent is dead or otherwise unavailable, whether before or after the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature, an affidavit of that fact may be filed by such parent having custody or control of the minor child with the State Registrar upon a form provided for that purpose.

SEC. 2. Section 10461 of the Health and Safety Code is amended to read:

10461. Upon receipt of the affidavit and a copy of the court order, or other satisfactory evidence that such a court order was in fact entered, and upon payment of the required fee, the State Registrar shall establish a new birth certificate for the child reflecting this change in name of either of the parents, and all records relating to this birth shall be handled in the manner prescribed in Article 4 (commencing with Section 10430) of this chapter, if the original record of birth is on file in the office of the State Registrar.

CHAPTER 997

An act to add Section 11258 to, and to repeal Section 11479.5 of, the Education Code, relating to school attendance.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11258 is added to the Education Code, to read:

11258. Notwithstanding any other provision of law, the average daily attendance of pupils enrolled in summer schools shall be credited to the school district in the fiscal year in which the last day of the summer school falls.

SEC. 2. Section 11479.5 of the Education Code is repealed.

CHAPTER 998

An act to amend Section 66611 of the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 66611 of the Government Code is amended to read:

66611. No later than December 1, 1971, the commission, after public hearing, of which adequate descriptive notice is given, shall adopt and file with the Governor and the Legislature a resolution fixing and establishing within the shoreline band the boundaries of the water-oriented priority land uses, as referred to in Section 66602. After such filing no further changes shall be made in such boundaries, except with the approval of the Legislature.

CHAPTER 999

An act to amend Sections 14188, 14192, 14193, 14194, 14210, and 14390 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14188 of the Education Code is amended to read:

14188. Survivor allowances shall begin to accrue on the first day of the month in which a member's death occurs, or upon the first day of the month in which a person reaches the minimum qualification age, as the case may be, and payments to a surviving spouse or surviving parent, shall continue only until the first day of the month in which death or remarriage occurs, and to or on account of children, with respect to each child, until the first day of the month in which the child attains age 18.

SEC. 2. Section 14192 of the Education Code is amended to read:

14192. If, during any calendar year, a surviving spouse or parent to and on account of whom a survivor allowance is payable, earns at least three thousand six hundred dollars (\$3,600), the allowance thereafter during that year shall be withheld.

If the survivor allowance to a widow, or dependent widower, is reduced under this section the benefit payable on account of surviving children shall be paid in amounts provided by paragraph (2) of Section 14186 as follows:

(a) If there is one child, he shall be paid ninety dollars (\$90) per month;

(b) If there are two children, they shall be paid one hundred eighty dollars (\$180) per month divided equally between them;

(c) If there are three or more children, they shall be paid two hundred fifty dollars (\$250) per month divided equally between them.

SEC. 3. Section 14193 of the Education Code is amended to read:

14193. Upon the death before retirement of a member who is qualified for service retirement under subdivision (a) of Section 14211, and on account of whose death the benefit provided by Section 14180 is otherwise payable, or who could have qualified for service retirement under subdivision (b) of Section 14211 at the time of his death, a monthly allowance equal to one-half of the monthly retirement allowance prior to modification under options in Section 14280, which the member would have been entitled to receive if he had retired for service on the day following his death, shall be payable:

(a) To the member's widow, or the member's widower who was receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death provided such widow or widower does not qualify for an allowance under Section 14284; or, (b) if there is no qualifying surviving spouse, or if such spouse dies or remarries to unmarried children including dependent step-children, of the member, who are under 18 years of age.

The allowances payable under this section are in lieu of the death benefit provided by Section 14070 or by Section 14180, except for the accumulated annuity deposits and accumulated shelter contributions included therein, providing a person qualifying for the allowance or such person's guardian elects to receive the allowance in lieu of the death benefit. The member's accumulated annuity deposits and accumulated shelter contributions shall be paid to the person qualifying for the allowance, and the remainder of the accumulated contributions of the member shall be applied toward providing the allowance, and the balance not so provided shall be payable from state contributions.

If the guardian of one or more children otherwise eligible to receive the allowance elects that such death benefit be paid in lieu thereof, there shall be paid to each such child an amount equal to what the child would have received as an allowance hereunder had the election not been made (disregarding interest and the probability of death or marriage), and under the assumption that each monthly allowance would have been divided equally among such unmarried children then under age 18, such amounts to be reduced proportionately

if their total would otherwise be in excess of the amount of such death benefit. Any balance of such death benefit remaining after such payments have been made shall be paid to the surviving spouse of the member, or if none, to the surviving children of the member share and share alike.

SEC. 4. Section 14194 of the Education Code is amended to read:

14194 The allowance provided by Section 14193 shall begin to accrue on the first day of the month in which a member's death occurs, and payments to a surviving spouse shall continue only until the first day of the month during which death or remarriage occurs, and to or on account of children with respect to each child, until the first day of the month in which he attains age 18 or prior marriage.

SEC. 5. Section 14210 of the Education Code is amended to read:

14210 Retirement shall become effective upon the date designated by the person as the effective date of retirement, or upon the day of the month following the last day of service for which salary is payable to the person whichever is later. The retirement allowance shall begin to accrue on the first day of the month in which retirement becomes effective.

In no event shall the retirement become effective or retirement allowance begin to accrue earlier than the first day of the month in which the application is received by the system in Sacramento or earlier than the date upon and continuously after which he is determined to the satisfaction of the board to have been mentally incompetent.

SEC. 6. Section 14390 of the Education Code is amended to read:

14390. Payment of benefits shall continue until the close of the month preceding the payee's death. Any benefit payable as a result of election of an option shall be computed as though the retirant died on the last day of the month preceding the month in which death occurs.

CHAPTER 1000

An act to amend Sections 301, 313, 328, 9106, 9110, 9111, 9604, 9605, 10000, 11001, 11005, and 11006 of, and to amend the heading of Chapter 3 (commencing with Section 10000) of Part 1 of Division 3 of, the Unemployment Insurance Code, relating to the organization of the Department of Human Resources Development.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 304 of the Unemployment Insurance Code is amended to read:

304. Whenever a reference to this division is made in this article it shall also include all other divisions of this code.

SEC. 2. Section 313 of the Unemployment Insurance Code is amended to read:

313. The work and functions of the department shall be segregated and allotted according to their nature into divisions. One division shall be designated the Appeals Division and one shall be designated the Division of Job Training, Development and Placement. There shall be such other divisions as the director may determine that the exigencies and nature of the work of the department require. Notwithstanding any other provision of this section, the director, with the approval of the Secretary of the Human Relations Agency, shall have the power, except for the Appeals Division and the Division of Job Training, Development and Placement, to reorganize functions created within any of the divisions of the department or to reorganize in any other manner such divisions or to abolish any such divisions in such manner as is necessary to effectuate the purposes of this code.

SEC. 3. Section 328 of the Unemployment Insurance Code is amended to read:

328. The department shall:

(a) Conduct and administer the California Migrant Master Plan

(b) Provide technical assistance to local agencies which operate community action programs of an antipoverty nature.

(c) Coordinate antipoverty efforts throughout the state, to the extent permissible under federal law, to avoid duplication, improve delivery of services, and relate programs to one another.

(d) Maintain liaison with the Federal Office of Economic Opportunity county and city commissions on economic opportunity, citizens' groups and all other governmental agencies engaged in economic opportunity programs.

(e) Collect and assemble pertinent information and data available from other agencies of the state and federal governments and disseminate information in the interests of economic opportunity programs in the state by publication, advertisement, conference, workshops, programs, lectures, and other means.

(f) Plan and evaluate long-range and short-range strategies for overcoming poverty in the state.

(g) Mobilize public and private resources in support of antipoverty programs.

(h) Encourage participation by residents of poor communities in the development and operation of community action programs for their betterment.

(i) To the extent feasible, utilize the community action agency in the community to be served in the recruitment of personnel for the Division of Job Training, Development and Placement.

(j) Utilize and employ to the fullest extent possible, consistent with efficient administration, persons from economically disadvantaged areas in carrying out the provisions of Division 3 (commencing with Section 9000).

SEC. 4. Section 9106 of the Unemployment Insurance Code is amended to read:

9106. "Board" means the Job Training, Development and Placement Services Advisory Board

SEC. 5. Section 9110 of the Unemployment Insurance Code is amended to read:

9110. "Economic deprivation" means annual income insufficient to enable the family or individual to meet a table of income criteria adopted by the director, which takes appropriate factors into account including, but not limited to, the level indicated by multiplying by 3 the cost of the Low Cost Food Plan of the United States Department of Agriculture for the Western Region of the United States

SEC. 6. Section 9111 of the Unemployment Insurance Code is amended to read:

9111. "Economically disadvantaged area" means an area composed of contiguous census tracts within urbanized areas as defined by the most recent federal census for which statistics are available and in which area 20 percent of the families report annual income less than three thousand dollars (\$3,000) according to the most recent federal census for which statistics are available, or a comparable area which because of technical factors cannot be isolated as a census tract or tracts or be isolated as a "contiguous" census tract. An "economically disadvantaged area" shall have a population of not less than 25,000. The definition set forth in this section and Section 9110 shall be reviewed periodically, and the director shall recommend necessary changes to the Legislature and the Governor.

SEC. 7. Section 9604 of the Unemployment Insurance Code is amended to read:

9604. The department shall establish and provide to the chief of the division an administrative information and evaluation review which shall provide complete files on all persons served by the division under this part including, but not limited to, the following information:

- (a) The number and characteristics of persons served;
- (b) The services received by all persons served;
- (c) The amount of funds expended by the division on each person served.
- (d) The results of services in each case;
- (e) Performance records of each job agent employed in each office, consisting of information on the number of training and employment plans successfully completed by the job agent each year;
- (f) The availability of jobs for eligible persons served by each office;

(g) Information about the kinds and qualities of jobs created under provisions of this part, including salaries and wages paid;

(h) Information on the number of trainees in the program and the number of jobs estimated to be available in the area served by each office;

(i) An evaluation of the performance of job training and placement programs under contract with the department.

(j) A yearly analysis of the characteristics of the unemployed and underemployed persons in each economically disadvantaged area. The department shall utilize United States Bureau of Labor Statistics special surveys of subemployment in urban centers whenever available

The department shall, to the extent feasible, utilize information compiled by other departments within the Human Relations Agency.

SEC 8 Section 9605 of the Unemployment Insurance Code is amended to read:

9605. The department shall:

(a) Be the sole state agency to approve and coordinate publicly funded job training and placement programs for eligible persons for potential employment with private employers. The department shall approve programs administered by the division only if consistent with the plans developed under Section 9600 and other provisions of this part;

(b) Appoint an advisory committee of representatives of employers and employer organizations to enlist the advice and support of private industry in developing a statewide system for making jobs available to job trainees following successful completion of job training and placement programs;

(c) Develop controls to insure that job training and placement programs of the division meet existing labor market needs as viewed by employers. The department shall study training and personnel selection methods used successfully by private industry;

(d) Encourage placement of eligible persons in public employment with the assistance of an advisory group representing state and local officials and representatives of economically disadvantaged areas appointed by the department;

(e) Evaluate the need for specific new public employment opportunities;

(f) Determine the kinds and quality of job training and placement programs necessary to provide placement in public employment for eligible persons and develop means to realign job tasks to develop greater employment opportunities for eligible persons;

(g) Cooperate with the State Personnel Board and local personnel officials to eliminate unnecessary barriers to the placement of eligible persons in public employment and to carry out the purposes of this part.

The State Personnel Board and other state and local agencies shall cooperate to the maximum extent feasible to achieve the purposes of this part.

SEC. 9. The heading of Chapter 3 (commencing with Section 10000) of Part 1 of Division 3 of the Unemployment Insurance Code is amended to read:

**CHAPTER 3. JOB TRAINING, DEVELOPMENT AND
PLACEMENT SERVICES ADVISORY BOARD**

SEC. 10. Section 10000 of the Unemployment Insurance Code is amended to read:

10000. There is hereby created in the Department of Human Resources Development the Job Training, Development and Placement Services Advisory Board.

SEC. 11. Section 11001 of the Unemployment Insurance Code is amended to read

11001. To the extent permissible under federal law and except as provided in Section 11004, all federal funds heretofore or hereafter paid or granted to the state or any state agency pursuant to any agreement, contract, plan or program authorized under any federal law enumerated in Sections 11002, 11005 and 11006 and all state funds enumerated in Section 11003 shall be deposited in the fund.

SEC. 12. Section 11005 of the Unemployment Insurance Code is amended to read:

11005. Funds for job training and placement programs administered by the Federal Office of Economic Opportunity and made available to the state or any state agency shall be deposited in the fund in accordance with Sections 115, 231, 241, and 635 of the Federal Economic Opportunity Act of 1964, as amended.

SEC. 13. Section 11006 of the Unemployment Insurance Code is amended to read

11006. Funds for job training and placement programs made available to the state or any state agency under the provisions of the Vocational Rehabilitation Act as amended by Public Law 90-391 shall be deposited in the fund

CHAPTER 1001

***An act to amend Section 21950 of the Vehicle
Code, relating to vehicles.***

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 21950 of the Vehicle Code is amended to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) The provisions of this section shall not relieve a pedestrian from the duty of using due care for his safety. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) The provisions of subdivision (b) shall not relieve a driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within any marked crosswalk or within any unmarked crosswalk at an intersection.

CHAPTER 1002

An act to amend Section 1.5 of, and to repeal Section 2 of Chapter 1372 of the Statutes of the 1968 Regular Session, relating to businesses.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1.5 of Chapter 1372 of the Statutes of the 1968 Regular Session is amended to read:

Sec. 1.5. (a) If the Superintendent of Banks determines that the California Job Development Corporation Law Executive Board is able to undertake all duties, powers, and responsibilities vested in the Superintendent of Banks by Division 12 (commencing with Section 28000) of the Financial Code, he may with the approval of the California Job Development Corporation Law Executive Board transfer such duties, powers and responsibilities to the board. Upon such transfer, the California Job Development Corporation Law Executive Board shall undertake all duties, powers, and responsibilities vested in the Superintendent of Banks by Division 12 (commencing with Section 28000) of the Financial Code. The Superintendent of Banks and the board shall make all arrangements necessary to assure the effectuation of such transfer in an orderly manner and with no disruption of functions. In the event of such a transfer, there shall be transferred to the board the unencumbered balances of money available to the Superintendent of Banks for expenditure in exercising the powers, duties and responsibilities transferred to the board.

(b) This section shall become operative only if Assembly Bill No. 109 of the 1968 Regular Session is enacted, and in such case at the same time as Assembly Bill No. 109 becomes operative.

(c) Out of any money appropriated to the California Job Development Corporation Law Executive Board, the board

may expend such money in administering all duties, powers, and responsibilities transferred to it pursuant to this section.

SFC. 2. Section 2 of Chapter 1372 of the Statutes of the 1963 Regular Session is repealed.

CHAPTER 1003

An act to amend Sections 2981, 2982, 2982.5, 2982.7, and 2981.3 of the Civil Code, relating to motor vehicle sales contracts.

[Approved by Governor September 11, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2981 of the Civil Code is amended to read:

2981. As used in this chapter, unless the context otherwise requires:

(a) "Conditional sale contract" means:

(1) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer but the title vests in the buyer thereafter only upon the payment of all or part of the price, or upon the performance of any other condition, or

(2) Any contract for the bailment or leasing of a motor vehicle between a buyer and a seller, with or without accessories, by which the bailee or lessee agrees to pay as compensation a sum substantially equivalent to the value of the property, and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the property upon full compliance with the terms of the contract, or

(3) Any contract for the sale of a motor vehicle between a buyer and a seller, with or without accessories, under which possession is delivered to the buyer, and a lien on the property is to vest in the seller as security for the payment of part or all of the price, or for the performance of any other condition.

(b) "Seller" means a person engaged in the business of selling or leasing motor vehicles under conditional sale contracts.

(c) "Buyer" means the person who buys or hires a motor vehicle under a conditional sale contract.

(d) "Person" includes an individual, company, firm, association, partnership, trust, corporation, or other legal entity.

(e) "Cash price" means the amount for which the seller would sell and transfer to the buyer unqualified title to the motor vehicle described in the conditional sale contract, if the property were sold for cash at the seller's place of business

on the date the contract is executed, and may include taxes to the extent imposed on the cash sale and the cash price of accessories or services related to the sale such as delivery, installation, alterations, modifications, and improvements.

(f) "Downpayment" means that part of the cash price which the buyer pays or agrees to pay to the seller in cash or property value or money's worth at or prior to delivery by the seller to the buyer of the motor vehicle described in the conditional sale contract.

(g) "Unpaid balance" means the difference between (e) and (f), plus all insurance premiums (except for credit life or disability insurance when the amount thereof is included in the finance charge), which are included in the contract balance, and the total amount paid or to be paid (1) to any public officer in connection with the transaction, and (2) for license, certificate of title, and registration fees imposed by law.

(h) "Finance charge" means any amount which the buyer agrees to pay to the seller in excess of the unpaid balance.

(i) "Total of payments" or "contract balance" means the amount unpaid under the conditional sale contract, which the buyer agrees to pay in installments to the seller as originally provided therein and shall not include amounts for which the buyer may later become obligated under the terms of the contract in connection with insurance, repairs to or preservation of the motor vehicle, preservation of the security interest therein or otherwise. Either term may be used in lieu of the other in complying with this chapter.

(j) "Motor vehicle" means any vehicle required to be registered under the Vehicle Code which is bought for use primarily for personal or family purposes and does not mean any vehicle which is bought for use primarily for business or commercial purposes.

(k) "Purchase order" means a sales order, car reservation, statement of transaction or any other such instrument used in the conditional sale of a motor vehicle pending execution of a conditional sale contract. The purchase order shall conform to the disclosure requirements of paragraphs 1 to 8, inclusive, and paragraph 10 of subdivision (a) of Section 2982 and Section 2984.1, and the provisions of subdivisions (e), (f) and (g) of Section 2982 shall be applicable thereto.

(l) "Regulation Z" means Regulation Z promulgated by the Board of Governors of the Federal Reserve System under the Federal Truth in Lending Act (15 U.S.C. 1601, et seq.), and compliance with the interpretations of that board shall be deemed to be full compliance with Regulation Z with respect to the subject matter of such interpretations.

Sec. 2. Section 2982 of the Civil Code is amended to read:

2982. (a) Every conditional sale contract for the sale of a motor vehicle, with or without accessories, shall be in writing and, if printed shall be printed in type no smaller than six point, and shall contain in a single document all of the agreements of the buyer and seller with respect to the total cost

and the terms of payment for the motor vehicle including any promissory notes or any other evidences of indebtedness. The conditional sale contract or a purchase order shall be signed by the buyer or his authorized representative and by the seller or its authorized representative, and an exact copy thereof shall be furnished the buyer by the seller at the time the buyer and the seller have signed the contract or purchase order. No motor vehicle shall be delivered under this chapter until the seller delivers to the buyer a fully executed copy of the conditional sale contract or purchase order and any vehicle purchase proposal and any credit statement which the seller has required or requested the buyer to sign, and which he has signed, during the contract negotiations. The seller shall not obtain the signature of the buyer to a contract when it contains blank spaces to be filled in after it has been signed. Every conditional sale contract shall contain, although not necessarily in the sequence or order set forth below, the following separate items:

1. The cash price of the motor vehicle described in the conditional sale contract.

2. The amount of the buyer's downpayment, and whether made in cash or represented by the net agreed value of described property traded in, or both, together with a statement of the respective amounts credited for cash and for such property.

3. The unpaid balance of cash price, which is the difference between items 1 and 2.

4. The cost to the buyer of any insurance, the premium for which is included in the contract balance. Any such cost for credit life or disability insurance may be included in the finance charge if the amount thereof is separately stated on the face of the contract.

5. The amounts, if any, paid or to be paid to any public officer in connection with the transaction and for license, certificate of title, and registration fees imposed by law.

6. The amount of the unpaid balance, which is the sum of items 3, 4, and 5.

7. The amount of the finance charge.

8. The total of payments which is the sum of items 6 and 7, payable by the buyer to the seller, the number of installments required, the amount of each installment, and the date for payment of the installments.

9. The names and addresses of all persons to whom the notice required under Section 2983.2 and permitted under Sections 2983.5 and 2984 of this code is to be sent.

10. A notice, in at least eight-point bold type if the contract is printed, reading as follows: "Notice to the buyer: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled-in copy of this agreement. (3) Under the law, you have the right to pay off in advance the full amount due and under certain conditions to obtain a partial refund of the

finance charge (4) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement."

(b) If any charge for insurance (other than for credit life or disability) is included in the contract balance and disbursement of any part thereof be made more than one year after the date of the conditional sale contract any finance charge on the amount to be disbursed after one year shall be computed from the month the disbursement is to be made to the due date of the last installment under the conditional sale contract.

(c) The amount of the finance charge in any conditional sale contract for the sale of a motor vehicle, with or without accessories shall not exceed 1 percent of the unpaid balance multiplied by the number of months (computed on the basis of a full month for any fractional month period in excess of 15 days) elapsing between the date of the contract and the due date of the last installment or twenty-five dollars (\$25), whichever is greater. The contract may provide for a delinquency charge or charges on any installment in default for a period of not less than 10 days in an amount not to exceed in the aggregate 5 percent of the installment which amount may be collected only once on any installment regardless of the period during which it remains in default. The contract may provide for reasonable collection costs and fees in the event of delinquency.

(d) Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding the buyer shall have the privilege of paying at any time in full the indebtedness evidenced by the contract. Whenever an indebtedness is liquidated prior to maturity by prepayment or refinancing, or upon surrender or repossession and resale of the motor vehicle, the holder shall thereupon refund to the buyer the unearned portion of the finance charge. The refund may be made in cash or credited to the amount due on the obligation of the buyer. The amount of the refund shall represent at least as great a proportion of the finance charge, after first deducting therefrom twenty-five dollars (\$25) as the sum of the periodic time balances payable more than 15 days after the date of prepayment (or other event entitling the buyer to the refund) bears to the sum of all of the periodic time balances under the schedule of installments in the contract. The provisions of this subdivision shall not impair the right of the seller or his assignee to receive delinquency charges on delinquent installments and reasonable costs and fees as provided in subdivision (c) of this section. Where the amount of such refund is less than one dollar (\$1), no refund need be made.

(e) Notwithstanding any other provision of this chapter to the contrary, in the event any required downpayment on which no finance charge is imposed is to be made by the buyer to the

seller on a conditional sale contract after the date of such contract but prior to the date of the second payment otherwise scheduled, the amount of such payment may be shown in such contract as a deferred portion of the cash downpayment or as a deduction from the amount of the unpaid balance, and shall be included in the total of payments.

(f) Notwithstanding any other provision of this chapter to the contrary, in any instance in which vendor's single interest insurance is to be written in connection with a conditional sale contract, a conditional sale contract complying with the applicable disclosure requirements of Regulation Z, as in effect on the date of such contract, shall be deemed to comply with the requirements of paragraphs 1 to 8, inclusive, of subdivision (a), irrespective of any difference between the provisions of that regulation and this chapter with respect to any information to be disclosed, the terminology, form or content of such disclosures, the amounts to be included in or manner of determining the unpaid balance, the finance charge or any other item of information to be disclosed, or otherwise. This subdivision shall have no application to the determination of the amount of the unpaid balance, the finance charge, or any other amount for the purpose of computing the maximum permissible finance charge or the refund of any unearned portion of the finance charge under subdivisions (c) and (d), respectively, or for the purpose of computing any penalty under Section 2983.1.

(g) Notwithstanding any other provision of this chapter to the contrary, any information required to be disclosed in a conditional sale contract under this chapter may be set forth in terminology required or permitted under Regulation Z, as in effect at the time such disclosure is made. Nothing contained in this chapter shall be deemed to prohibit the disclosure in such contract of additional information required or permitted under Regulation Z, as in effect at the time such disclosure is made.

SEC. 3. Section 2982.5 of the Civil Code is amended to read:

2982.5. (a) Nothing contained in this chapter shall be deemed to affect a loan or the security therefor, between a purchaser of a motor vehicle and a supervised financial organization, other than the seller of the motor vehicle, all or a portion of which loan is used in connection with the purchase of a motor vehicle. As used herein "supervised financial organization" means a person organized, chartered, or holding a license or authorization certificate under a law of this state or the United States to make loans and subject to supervision by an official or agency of this state or the United States.

(b) Nothing in this chapter shall be deemed to prohibit the seller's assisting the buyer in obtaining a loan upon any security from any third party to be used as a part or all of the downpayment or any other payment on a conditional sale contract or purchase order; provided that the conditional sale

contract sets forth on its face the amount of the loan, the finance charge, the total thereof, the number of installments scheduled to repay the loan and the amount of each such installment, that the buyer may be required to pledge security for the loan, which security must be mutually agreed to by the buyer and the lender and notice to the buyer in at least eight-point type that he is obligated for the installment payments on both the conditional sale contract and the loan. The seller shall not provide any security or other guarantee of payment on such loan nor shall such seller receive any commission or other remuneration for assisting the buyer to obtain such loan. If the buyer obligates himself to purchase, or receives possession of, the motor vehicle prior to securing such loan, and if the buyer upon appropriate application for such loan is unable to secure such loan, on the conditions stated in the conditional sale contract, such conditional sale contract or purchase order shall be deemed rescinded and all consideration thereupon shall be returned by the respective parties without demand.

(c) The proceeds of any such loan payable to the seller after the date of the contract but prior to the due date of the second payment otherwise scheduled thereunder shall not be subject to a finance charge and the amount thereof shall be set forth in the contract in accordance with the provisions of subdivision (c) of Section 2982.

SEC 4. Section 2982.7 of the Civil Code is amended to read:

2982.7. Any payment made by a buyer to a seller pending execution of a conditional sale contract shall be refunded to the buyer in the event the conditional sale contract is not executed.

The provisions of this section shall not apply when a buyer leaves his motor vehicle with the seller as downpayment and the buyer and seller, with knowledge and consent agree that the parties shall enter into the conditional sale contract, and the buyer shall take delivery of the motor vehicle described in the conditional sale contract from the seller, at a date more than five days after the date the buyer leaves his motor vehicle with the seller.

SEC 5. Section 2984.3 of the Civil Code is amended to read:

2984.3 Any acknowledgment by the buyer of delivery of a copy of a conditional sale contract or purchase order and any vehicle purchase proposal and any credit statement which the seller has required or requested the buyer to sign, and which he has signed during the contract negotiations shall be printed or written in size equal to at least 10-point bold type and, if contained in the contract, shall appear directly above the space reserved for the buyer's signature. The buyer's written acknowledgment conforming to the requirements of this section, of delivery of a completely filled-in copy of the contract, and a copy of such other documents shall be a rebuttable presumption of delivery in any action or proceeding by or against a third party without knowledge to the contrary

when he acquired his interest in the contract. If such third party furnishes the buyer a copy of such documents, or a notice containing items 1 to 8 of subdivision (a) of Section 2982, and stating that the buyer shall notify such third party in writing within 30 days if he was not furnished a copy of such documents, and no such notification is given, it shall be conclusively presumed in favor of such a third party that copies of such documents were furnished as required by this chapter.

CHAPTER 1004

An act to amend Section 675 of the Code of Civil Procedure, relating to the satisfaction of judgments.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 675 of the Code of Civil Procedure is amended to read:

675. (a) Satisfaction of a judgment may be entered upon an execution returned satisfied, or upon an acknowledgment of satisfaction filed with the clerk or with the judge, if there be no clerk, which may recite payment of the judgment in full or the acceptance by the judgment creditor of any lesser sum in full satisfaction thereof, made in the manner of an acknowledgment of a conveyance of real property, by the judgment creditor or assignee of record, or by endorsement by judgment creditor or assignees of record on the face, or on the margin of the record of the judgment, or by the attorney, unless a revocation of his authority is filed. Whenever a judgment is satisfied in fact, otherwise than upon an execution, the party or attorney must give such acknowledgment, or make such endorsement, and, upon motion, the court may compel it, or may order the entry of satisfaction to be made without it.

In the superior court and in municipal courts such entry shall be made in the register of actions; in justice courts, in the docket in the justice court.

(b) Except in cases where demand has been made pursuant to subdivision (c), when an abstract of the judgment has been recorded with the recorder of any county, acknowledgment of satisfaction thereof by execution or other means shall be filed in the manner provided in subdivision (a) or delivered to the judgment debtor by the judgment creditor or assignee not later than 30 days after the judgment has been in fact paid in full. Such acknowledgment shall identify the county in which the abstract has been recorded and the book and page of the official records thereof, and contain a statement that such acknowledgment will have to be recorded in such county in order to release the judgment lien. Any such judgment creditor or assignee of record who fails without just cause to

file or deliver such acknowledgment of satisfaction shall be liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such failure, and shall also forfeit to him or them the sum of one hundred dollars (\$100).

(c) Any judgment creditor or assignee who for a period of 15 days after actual receipt of a demand in writing for acknowledgment of satisfaction of judgment, which demand is made after the judgment has in fact been paid in full, refuses without just cause to execute, acknowledge and deliver such acknowledgment of satisfaction to the judgment debtor, or to the owner of the real property upon which the judgment has become a lien by reason of the recording of an abstract of a judgment in accordance with Section 674, is liable to the judgment debtor or to the owner of the real property, as the case may be, or his grantees or heirs, for all damages which he or they may sustain by reason of such refusal, and shall also forfeit to him or them the sum of one hundred dollars (\$100).

(d) Whenever a certificate has been recorded with the recorder of any county by a state agency under Article 4 (commencing with Section 18881), Chapter 19, Part 10, Division 2 of, or Article 2 (commencing with Section 26161), Chapter 23, Part 11, Division 2 of, the Revenue and Taxation Code, or under Article 1 (commencing with Section 1701), Chapter 7, Part 1, Division 1 of the Unemployment Insurance Code, acknowledgment of satisfaction thereof by execution or other means shall be recorded by the state agency no later than 30 days after the delinquency evidenced by such certificate is satisfied.

CHAPTER 1005

An act to amend Sections 5523 5568 and 5601 of, to amend and renumber Section 5569 of, to add Section 5569 to, and to repeal Section 5602 of, the Revenue and Taxation Code, relating to the taxation of livestock.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5523 of the Revenue and Taxation Code is amended to read:

5523 The tax computed in accordance with Section 5522 shall be reduced by the same percentage as is exempted with respect to the assessed values of business inventories pursuant to Section 219 of this code; except, that this section shall not be applicable in the 1970-71 tax year.

SEC. 15. Section 5568 of the Revenue and Taxation Code is amended to read:

5568. If any person required by Section 5582 to file a report fails to do so or fails to file it by the time specified, the assessor shall impose the lawful amount of tax due under this part, a penalty equal to 10 percent of the tax, and the penalties provided by Section 5564.

If any person required to file the report required by Section 5582 files any false or fraudulent report with intent to defeat or evade any tax due under this part, the assessor shall impose the lawful amount of tax due under this part, a penalty equal to 25 percent of the tax, and the penalties provided by Section 5564.

SEC. 2. Section 5569 is added to the Revenue and Taxation Code, to read:

5569. Upon request of an assessor, an owner of livestock of a type subject to the tax imposed by this part shall make available at his principal place of business, principal location or principal address in California or at any place mutually agreeable to the assessor and the owner, a true copy of business records relevant to the number of livestock located in any county of the state during any taxable period and the number of days spent in each county during that period. Records referred to in this section shall be retained by the owner for a period of five years from the date any tax to which they relate becomes due.

SEC. 3. Section 5569 of the Revenue and Taxation Code is amended and renumbered to read:

5570. Any taxes imposed pursuant to Sections 5566 and 5568 shall not be reduced as provided by Section 5523.

SEC. 4. Section 5601 of the Revenue and Taxation Code is amended to read:

5601. All proceeds derived from the tax imposed by this part shall be allocated by the auditor as promptly as is feasible in the following manner:

(a) For the number of head-days livestock were in the county and were located within a city and any school districts, the proceeds shall be distributed one-third to the city, one-third to the school districts, and one-third to the county.

(b) For the number of head-days livestock were in the county and were located outside of any city but were located within one or more school districts, the proceeds shall be distributed one-half to the school district or districts and one-half to the county.

(c) For the number of head-days livestock were located in both an elementary school district and a high school district, the proceeds allocable to such period and allocable to school districts shall be divided equally between the elementary school district and the high school district to the exclusion of all other school districts.

The details of the method of allocation shall be supplied by the county auditor, shall be approved by the board of supervisors, and shall fairly carry out the purposes of this section.

SEC. 5. Section 5602 of the Revenue and Taxation Code is repealed.

SEC. 6 It is the intent of the Legislature in delaying the effect on the livestock in-lieu tax of the business inventory exemption for one year from the operative date of Chapter 1057 of the Statutes of 1969, to provide for an orderly transition from existing taxing procedures so as to relieve the initial cash flow and revenue impact to local government.

CHAPTER 1006

An act to amend Section 7100 of, and to add Chapter 3.5 (commencing with Section 7150) to, and to repeal Chapter 3.5 (commencing with Section 7150) of, Part 1 of Division 7 of, the Health and Safety Code, relating to the Uniform Anatomical Gift Act.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.
- (e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent; provided, that should a person accept the gift of an entire body under subdivision (a) of Section 7155.5, such person, subject to the terms of the gift, shall be liable for the reasonable cost of interment of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, by written instructions. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 1.5. Section 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

- (a) The surviving spouse.
- (b) The surviving child or children of the decedent.
- (c) The surviving parent or parents of the decedent.
- (d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.
- (e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent; provided, that should a person accept the gift of an entire body under subdivision (a) of Section 7155.5, such person, subject to the terms of the gift, shall be liable for the reasonable cost of interment of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions, but a written contract for funeral services may only be modified in writing. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

SEC. 2 Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code is repealed.

SEC. 3. Chapter 3.5 (commencing with Section 7150) is added to Part 1 of Division 7 of the Health and Safety Code, to read:

CHAPTER 3.5. UNIFORM ANATOMICAL GIFT ACT

7150. This act may be cited as the "Uniform Anatomical Gift Act."

7150.5. As used in this chapter:

(a) "Bank or storage facility" means a facility licensed, accredited or approved under the laws of any state for storage of human bodies or parts thereof.

(b) "Decedent" means a deceased individual, and includes a stillborn infant or fetus.

(c) "Donor" means an individual who makes a gift of all or part of his body.

(d) "Hospital" means a hospital licensed, accredited, or approved under the laws of any state, and includes a hospital operated by the United States government, a state, or a subdivision thereof, although not required to be licensed under state laws.

(e) "Part" means organs, tissues, eyes, bones, arteries, blood, other fluids, and any other portions of a human body.

(f) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, or association or any other legal entity.

(g) "Physician" or "surgeon" means a physician or surgeon licensed or authorized to practice under the laws of any state.

7151. Any individual of sound mind and 18 years of age or older may give all or any part of his body for any purpose specified in Section 7153.5, the gift to take effect upon death.

7151.5. Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death and in the absence of actual notice of contrary indications by the decedent or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purpose specified in Section 7153.5:

(a) The spouse.

(b) An adult son or daughter.

(c) Either parent.

(d) An adult brother or sister.

(e) A guardian of the person of the decedent at the time of his death.

(f) Any other person authorized or under obligation to dispose of the body.

7151.7. Notwithstanding any other provision of law, only the decedent shall have the authority to donate his body or any part thereof, if it is made known that the deceased at the time of his death was a member of a religion, church, sect, or

denomination which relies solely upon prayer for the healing of disease.

7152. If the donee has actual notice of contrary indications by the decedent or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift. The persons authorized by Section 7151.5 may make the gift after or immediately before death.

7152.5. A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

7153. The rights of the donee created by the gift are paramount to the rights of others, except as provided by Section 7156.

7153.5. The following persons may become donees of gifts of bodies or parts thereof for the purposes stated:

(a) Any hospital, surgeon, or physician, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.

(b) Any accredited medical or dental school, college or university for education, research, advancement of medical or dental science, therapy, or transplantation.

(c) Any bank or storage facility, for medical or dental education, research, advancement of medical or dental science, therapy, or transplantation.

(d) Any specified individual for therapy or transplantation needed by him.

7154. (a) A gift of all or part of the body under Section 7151 may be made by will. The gift shall become effective upon the death of the testator without waiting for probate. If the will is not probated, or if it is declared invalid for testamentary purposes, the gift, to the extent that it has been acted upon in good faith, shall be nevertheless valid and effective.

(b) A gift of all or part of the body under Section 7151 may also be made by document other than a will. The gift shall become effective upon the death of the donor. The document, which may be a card designed to be carried on the person, shall be signed by the donor in the presence of two witnesses, who shall sign the document in his presence. If the donor cannot sign, the document may be signed for him at his direction and in his presence in the presence of two witnesses who shall sign the document in his presence. Delivery of the document of gift during the donor's lifetime shall not be necessary to make the gift valid.

(c) The gift may be made to a specified donee or without specifying a donee. If no donee is specified, the gift may be accepted by the attending physician as donee upon or following death. If the gift is made to a specified donee who is not available at the time and place of death, the attending physician upon or following death, in the absence of any expressed indication that the donor desired otherwise, may accept the gift as donee. The physician who becomes a donee under this subdivision shall not participate in the procedures for removing or transplanting a part.

(d) Notwithstanding subdivision (b) of Section 7155.5, the donor may designate in his will, card, or other document of gift the surgeon or physician to carry out the appropriate procedures. In the absence of a designation, or if the designee is not available, the donee or other person authorized to accept the gift may employ or authorize any surgeon or physician for the purpose.

(e) Any gift by a person designated in Section 7151.5 shall be made by a document signed by him or made by his telegraphic, recorded telephonic or other recorded message.

7154.5 If the gift is made by the donor to a specified donee, the will, card, or other document, or an executed copy thereof, may be delivered to the donee to expedite the appropriate procedures immediately after death. Delivery is not necessary to the validity of the gift. The will, card, or other document, or an executed copy thereof, may be deposited in any hospital, bank, or storage facility or registry office that accepts it for safekeeping or for facilitation of procedures after death. On request of any interested party upon or after the donor's death, the person in possession shall produce the document for examination.

7155 (a) If the will, card, or other document, or executed copy thereof, has been delivered to a specified donee, the donor may amend or revoke the gift by any of the following:

(1) The execution and delivery to the donee of a signed statement.

(2) An oral statement made in the presence of two persons and communicated to the donee.

(3) A statement during a terminal illness or injury addressed to an attending physician and communicated to the donee.

(4) A signed card or document found on his person or in his effects.

(b) Any document of gift which has not been delivered to the donee may be revoked by the donor in the manner set out in subdivision (a), or by destruction, cancellation, or mutilation of the document and all executed copies thereof.

(c) Any gift made by a will may also be amended or revoked in the manner provided for amendment or revocation of wills, or as provided in subdivision (a).

7155.5 (a) The donee may accept or reject a gift. If the donee accepts a gift of the entire body, he may, subject to the terms of the gift, authorize embalming and the use of the body in funeral services. If the gift is of a part of the body, the donee, upon the death of the donor and prior to embalming, shall cause the part to be removed without unnecessary mutilation. After removal of the part, custody of the remainder of the body vests in the surviving spouse, next of kin, or other persons specified in Section 7100.

(b) The time of death shall be determined by a physician who tends the donor at his death or, if none, the physician who certifies the death. The physician shall not participate in the procedures for removing or transplanting a part.

(c) A person who acts in good faith in accord with the terms of this chapter shall not be liable for damages in any civil action or subject to prosecution in any criminal proceeding for his act.

7155.6. The use of any human tissue donated pursuant to this chapter for the purpose of transplantation in the human body shall be construed for all purposes as a rendition of a service by each person participating therein and shall not be construed as a sale of such tissue.

7156. The provisions of this chapter are subject to the laws of this state prescribing powers and duties with respect to autopsies.

7157. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of the states which enact it.

SEC. 4. It is the intent of the Legislature, if amendments to Section 7100 of the Health and Safety Code proposed by both this bill and Assembly Bill No. 2527 are enacted, that both amendments be given effect and incorporated in Section 7100 in the form set forth in Section 15 of this act. Therefore, in the event Assembly Bill No. 2527 is enacted and amends Section 7100 Section 15 of this act shall become operative at the same time that Section 7100 as amended by Assembly Bill No. 2527 becomes operative and at that time, Section 7100 of the Health and Safety Code as amended by Section 1 of this act is repealed.

CHAPTER 1007

An act to repeal Section 9251 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 9251 of the Vehicle Code is repealed.

CHAPTER 1008

An act to amend Section 24880 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24880 of the Business and Professions Code is amended to read:

24880. No criminal penalties shall be imposed on any licensee for a violation of any of the provisions of this chapter or rules adopted pursuant to this chapter. For such a violation the department, in its discretion, may impose a monetary penalty or suspend or revoke a license as follows:

(a) For a first offense, a monetary penalty of one hundred dollars (\$100) or a suspension not to exceed 10 days.

(b) For a second offense, a monetary penalty of two hundred fifty dollars (\$250) or a suspension not to exceed 30 days.

(c) For a third or subsequent offense, a monetary penalty of five hundred dollars (\$500) or a suspension or revocation.

CHAPTER 1009

An act to amend Sections 13521 and 13523 of the Penal Code and to amend Sections 42006 and 42050 of the Vehicle Code, relating to law enforcement, and making an appropriation.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13521 of the Penal Code is amended to read:

13521. On and after September 18, 1959, there shall be levied a penalty assessment in an amount equal to five dollars (\$5) for every twenty dollars (\$20), or fraction thereof, of every fine, penalty, and forfeiture imposed and collected by the courts for criminal offenses other than a fine, penalty, or forfeiture for an offense included within the penalty assessment provisions of Section 42050 of the Vehicle Code, an offense expressly exempted from the penalty assessment provisions of Section 42050 of the Vehicle Code, or a violation of the Fish and Game Code. Where multiple offenses are involved, the penalty assessment shall be based upon the total fine or bail for all offenses. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section. If bail is returned, the assessment made thereon pursuant to this section shall also be returned.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the Peace Officers' Training Fund.

The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by a county.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment the payment of which would work a hardship on the person convicted or his immediate family.

SEC. 2. Section 13523 of the Penal Code is amended to read:

13523. The commission shall annually allocate and the State Treasurer shall periodically pay from the Peace Officers' Training Fund, at intervals specified by the commission, to each city, county, and district which has applied and qualified for aid pursuant to this chapter an amount determined by the commission pursuant to standards set forth in its regulations. The commission shall grant aid only on a basis that is equally proportionate among cities, counties, and districts.

In no event shall any allocation be made to any city, county, or district which is not adhering to the standards established by the commission as applicable to such city, county, or district.

SEC. 3. Section 42006 of the Vehicle Code is amended to read:

42006. On and after September 17, 1965, there shall be levied a special assessment in an amount equal to fifty cents (\$0.50) for every twenty dollars (\$20), or fraction thereof, of every fine, penalty, and forfeiture, imposed and collected by a municipal court conducting a night session of the court pursuant to Section 72300 of the Government Code, on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians. When a fine is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

When a person makes a deposit of bail for an offense to which this section applies, in a case in which he is required to appear in a court conducting a night session pursuant to Section 72300 of the Government Code, the person making such deposit shall also deposit a sufficient amount to include the assessment prescribed in this section for forfeited bail. If bail is forfeited, the amount of such assessment shall be transmitted by the clerk of the court to the county treasury for disposition as prescribed by this section.

After a determination by the court of the amount of the assessment due, the clerk of the court shall collect the amount and transmit it to the county treasury to be deposited in the municipal court night session fund, which fund may be expended by the county for maintaining municipal courts in the county which have night sessions for traffic offenses pursuant to Section 72300 of the Government Code.

In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or any part of the penalty assessment, the payment of which would work a hardship on the person convicted or his immediate family.

Sec. 4. Section 42050 of the Vehicle Code is amended to read:

42050. To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 17305 of the Education Code, and to augment the Peace Officers' Training Fund to the extent designated in Section 42052, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance relating to vehicles or their operators or owners, except offenses relating to parking or registration or offenses by pedestrians, in the following amounts:

- (a) Where a fine is imposed... \$4 for each \$20 of fine, or fraction thereof.
- (b) If sentence is suspended... \$4 if jail only, otherwise based on the amount of the fine levied, as in subdivision (a).
- (c) If bail is forfeited... \$4 for each \$20 of bail, or fraction thereof.
- (d) Where multiple offenses are involved... The penalty assessment shall be based on the total fine or bail for all offenses, or \$4 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

Sec. 5 The sum of nineteen thousand five hundred dollars (\$19,500) is hereby transferred from Item 9 of the Budget Act of 1970 to, and in augmentation of, Item 18 of such act.

CHAPTER 1010

An act to amend Section 10751 of the Education Code, relating to pupils.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10751 of the Education Code is amended to read:

10751. No teacher, principal, employee, or governing board member of any public, private or parochial school providing instruction in any of grades kindergarten through 12 shall permit access to any written records concerning any particular

pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

- (a) Either parent or a guardian of such pupil.
- (b) A person designated, in writing, by such pupil if he is an adult, or by either parent or a guardian of such pupil if he is a minor.
- (c) An officer or employee of a public, private, or parochial school where the pupil attends, has attended, or intends to enroll.
- (d) A state or local law enforcement officer, including a probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties.
- (e) The State Superintendent of Public Instruction, or a member of his staff, or the county superintendent of schools of the county where the pupil attends, has attended, or intends to enroll, or a member of his staff.
- (f) An officer or employee of a county agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency.
- (g) An officer or employee of any adoption agency licensed by the Department of Social Welfare, as to a minor placed with or under the supervision of that agency, or another minor from the same family as such minor, or as to children in families for which an investigation by the agency is required under Section 226.6 of the Civil Code.

The restrictions imposed by this section are not intended to interfere with the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information. Notwithstanding the restrictions imposed by this section, a governing board may, in its discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information submitted for research. Notwithstanding the restrictions imposed by this section, an employer or potential employer of the pupil may be furnished the age and scholastic record of the pupil and employment recommendations prepared by members of the school staff.

Notwithstanding the restrictions imposed by this section, the names and addresses of pupils, the record of a pupil's daily attendance, the pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents or guardian, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States seeking this information in the course of his duties, when the pupil is a veteran

of military service with the United States, or an orphan or dependent of such veteran, or an alien. Notwithstanding the restrictions imposed by this section, school personnel of a public, private, or parochial high school may furnish the names and addresses of graduating seniors to elected federal, state, county, or district officials.

CHAPTER 1011

An act to add Sections 9556 and 10014 to the Education Code, relating to textbooks.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 9556 is added to the Education Code, to read:

9556. Elementary schools may use in special programs supplementary textbooks adopted by the governing board of a high school district.

SEC. 2. Section 10014 is added to the Education Code, to read:

10014. The governing board of a high school district may use in special programs supplementary textbooks adopted for use in elementary schools.

CHAPTER 1012

An act to add Section 14904 to the Vehicle Code, relating to drivers' licenses.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 14904 is added to the Vehicle Code, to read:

14904. (a) Notwithstanding any other provision of this code, before a mandatory suspension or a mandatory revocation of a person's driving privilege ordered by the department may be terminated or reinstated there shall be paid the department a fee of five dollars (\$5)

(b) This section shall not apply to any suspension or revocation that is set aside by the department or a court.

CHAPTER 1013

An act to amend Section 14101 of the Education Code, relating to the State Teachers' Retirement System, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14101 of the Education Code is amended to read:

14101. In addition to the contribution provided in Section 14100, each school district or other employing agency employing one or more members of the system shall contribute semi-annually to the Permanent Fund an amount, not to exceed two dollars (\$2) for each member it employs, as determined by the board, to meet the employer's share of administrative expenses.

The contributions required by this section which have not been expended shall be retained from fiscal year to fiscal year in the Permanent Fund for the purposes set forth in this section.

This section shall cease to be operative on June 30, 1973.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The Permanent Fund is in dire need of money, and thus it is essential that this act take effect immediately.

CHAPTER 1014

An act to amend Sections 328 and 1080 of the Probate Code, relating to charitable bequests.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 328 of the Probate Code is amended to read:

328. At least 10 days before the hearing copies of the notice must be personally served upon the heirs of the testator and the devisees and legatees named in the will and all persons named as executors who are not petitioning, or mailed, postage prepaid, from a post office within this state, addressed to them at their respective places of residence, if known to the

petitioner, if not, at the county seat of the county where the proceedings are pending.

Whenever the instrument offered for probate involves or may involve a testamentary trust of property for charitable purposes other than a charitable trust with a designated trustee, resident in this state or involves or may involve a bequest or devise for a charitable purpose without an identified legatee, devisee, or beneficiary thereof, notice of the hearing on the petition for probate accompanied by a copy of the petition and the will, must be personally served upon the Attorney General or mailed, postage prepaid from a post office within this state, addressed to him at the office of the Attorney General at Sacramento, California.

As used in this section "post office" includes mailbox, sub-post office, substation and mail chute or other like facility regularly maintained by the government of the United States.

SEC. 2 Section 1080 of the Probate Code is amended to read:

1080 Anytime after first publication of notice to creditors and prior to the time a petition for final distribution has been filed the executor or administrator, or any person claiming to be an heir of the decedent or entitled to distribution of the estate or any part thereof may file a petition setting forth his claim or reason and praying that the court determine who are entitled to distribution of the estate. The clerk shall set the petition for hearing by the court and give notice thereof for the period and in the manner required by Section 1200 of this code. At least 10 days before the date set for the hearing of such petition by the court, the petitioner shall cause notice of the hearing thereof to be mailed to the executor or administrator and to all legatees and devisees and to all known heirs of the decedent, and to all persons (or their attorneys, if they have appeared by attorney) who have requested notice as provided in Section 1202 of this code, or who have given notice of appearance in person or by attorney, addressed to them at their respective post office addresses given in their requests for special notice or notice of appearance, if any, otherwise at their respective offices or places of residence, if known, and if not at the county seat of the county where the proceedings are pending, or to be personally served upon such persons. Any person may appear and file a written statement setting forth his interest in the estate. No other pleadings are necessary and the allegations of each claimant shall be deemed to be denied by each of the other claimants to the extent that they conflict with any claim of the latter.

Whenever any estate involves, or may involve, a charitable trust, other than a charitable trust with a designated trustee which may lawfully accept such trust or involves or may involve a bequest or devise for a charitable purpose without an identified legatee, devisee, or beneficiary thereof, or an escheat to the State of California, the Attorney General shall

be deemed to be a person entitled to distribution within the meaning of this section and shall be entitled to file the petition referred to in this section and shall be given written notice of the hearing in the same manner as legatees and devisees.

CHAPTER 1015

An act relating to a study of motor vehicle thefts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. The California Highway Patrol shall conduct a study of, and make recommendations regarding, the remedial action needed to reduce the incidence of motor vehicle thefts and facilitate the recovery of stolen motor vehicles and their parts.

The study shall include, but not be limited to, the practice of defacing, altering, destroying, and removing identification numbers; a review of the stolen vehicle reporting procedures utilized by governmental agencies and the insurance industry; the problem of reconstructed salvage vehicles and its relationship to automobile thefts; and a review of the penalty provisions relating to antitheft laws.

When changes in administrative procedures and existing statutes relating to motor vehicle thefts are necessary to correct current deficiencies, the study shall make recommendations setting forth the specific action that should be taken to remedy such deficiencies.

In carrying out this study, the California Highway Patrol shall seek the cooperation and advice of local police departments, sheriff's offices, the California Peace Officers Association, the insurance industry, the National Automobile Theft Bureau, the Automobile Dismantlers Association, the District Attorneys and County Counsels Association, the Advisory Committee on Motor Vehicle Legislation, and the Department of Motor Vehicles.

SEC. 2. The California Highway Patrol shall submit its report and recommendations to the Legislature not later than the fifth legislative day of the 1972 Regular Session.

SEC. 3. The department shall make every effort to obtain federal assistance to carry out the provisions of this act. The sum of one hundred eighty thousand dollars (\$180,000) is hereby appropriated from the Motor Vehicle Fund for the purpose of carrying out this act. An amount equal to any federal funds received for purposes of this act shall be returned to the Motor Vehicle Fund.

SEC. 4. This is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Motor vehicle thefts now rank number one in economic loss among all thefts in California.

Statewide, automobile thefts have increased 159 percent in the past 13 years, with a 22 percent increase in 1968.

Approximately 25 percent of the nation's automobile thefts occur in California. Over 135 000 California automobiles were stolen in 1969, with an unrecovered loss exceeding \$20 million.

Despite the efforts of law enforcement authorities to curtail automobile thefts, the number of thefts and resulting economic loss continues to increase daily. In order to halt this spiraling crime rate, it is necessary that this act take effect immediately.

CHAPTER 1016

An act to amend Sections 31721 and 31725 of the Government Code, relating to the County Employees Retirement Law of 1937.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 31725 of the Government Code is amended to read:

31725. Permanent incapacity for the performance of duty shall in all cases be determined by the board.

If the medical examination and other available information do not show to the satisfaction of the board that the member is incapacitated physically or mentally for the performance of his duties in the service and the member's application is denied on this ground the board shall give notice of such denial to the employer. The employer may obtain judicial review of such action of the board by filing a petition for a writ of mandate in accordance with the Code of Civil Procedure or by joining or intervening in such action filed by the member within 30 days of the mailing of such notice. If such petition is not filed or the court enters judgment denying the writ, whether on the petition of the employer or the member, and the employer has dismissed the member for disability the employer shall reinstate the member to his employment effective as of the day following the effective date of the dismissal.

SEC. 2. Section 31721 of the Government Code is amended to read:

31721. A member may be retired for disability upon the application of the member, the head of the office or department in which he is or was last employed, or any other person on

his behalf, except that an employer may not separate because of disability a member otherwise eligible to retire for disability but shall apply for disability retirement of any member believed to be disabled unless the member waives the right to retire for disability and elects to withdraw contributions or to permit contributions to remain in the fund with rights to service retirement as provided in Article 9 (commencing with Section 31700) of this chapter.

CHAPTER 1017

An act to add Article 7 (commencing with Section 6031) to Chapter 9 of Division 4 to the Agricultural Code, relating to pest control, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 7 (commencing with Section 6031) is added to Chapter 9 of Division 4 of the Agricultural Code, to read:

Article 7. Beet Leafhopper Control

6031. The necessity of controlling beet leafhopper, the only known vector of the curly top virus, is recognized by the Legislature as being in the public benefit. The state's agricultural business economy could be seriously damaged if measures are not continued to prevent the transmittal of curly top virus by this insect. Since the control program primarily is carried on in uncultivated areas involving both private and public lands, often far removed from the areas receiving benefits, it is necessary for a state agency to take primary responsibility. The Legislature therefore supports a program jointly funded by industry and public funds whereby protection is provided to both home gardens and commercial crops.

6032. As used in this article "handler" means any person that engages in the operation of selling, marketing, or processing any of the crops vulnerable to damage from curly top virus, as covered by this chapter, which he has purchased, or acquired from a producer or which he is marketing, selling or processing on behalf of a producer, whether as owner, agent, employee, broker, or otherwise. A producer handler is a producer who operates as a handler as to any such crop produced by him. Every producer or producer-handler of tomatoes, sugar beets, melons, beans, cucumbers, spinach, peppers, and other agricultural crops susceptible to curly top virus as determined by the director shall pay to the director an assessment on all such crops sold or delivered by him to a handler or in the case of a producer-handler on such crops marketed

by him. The full amount of the assessment shall be collected from the producer by the handler at the point and time that the crop is purchased or received by the handler as provided by regulations of the director.

6033. The assessment collected from producers by handlers or due from producer-handlers shall be paid by such handler or producer-handler to the director as provided by regulations of the director.

6034. For the purpose of assessment, the following districts are established: District I, Imperial County; District II, Kern, except that portion of Kern County lying in Antelope Valley, Kings, Tulare, Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties; District III, Sacramento, Solano, Yolo, Placer, Sutter, Yuba, Colusa, Butte, and Glenn Counties; District IV, Alameda, Contra Costa, Monterey, San Benito, San Luis Obispo, Santa Clara, Santa Cruz, and Santa Barbara Counties; additional areas of the state may be established in districts by regulation of the director if he finds crops in any such district are subject to damage from curly top virus and that any such district is necessary to accomplish the purposes of this article.

6035. The director may establish the rate of assessment by district and crop and may adjust the assessment rate from time to time, whenever he finds it necessary as provided in Section 6036.

6036. The assessment rate may vary from district to district and from crop to crop based on the degree of vulnerability to damage from curly top virus experienced by such crops in such districts. The rates may also vary in accordance with the protection afforded to such crops in such districts. Any rate or rates established shall be determined after hearing and shall be set by regulation. Such assessments shall be in total amount sufficient to reimburse the director to equal 50 percent of the expenditure by the department in carrying out the beet leafhopper control program.

6037. Any money which is received by the director pursuant to this article shall be deposited in the Department of Agriculture Fund to be used for the administration and enforcement of this article.

6038. The director is authorized to receive moneys from other sources for this program which will be deposited into the Department of Agriculture Fund and used to carry out the purposes of this article.

6039. The director shall appoint a Beet Leafhopper Control Board consisting of nine members. The membership shall consist of at least one representative of each of the primary crop commodities assessed and shall include representation from each of the districts assessed. Annually the director shall appoint one member of the board to serve as chairman.

6040. The terms of office for each member of the board shall be three years. Appointment of the first members shall be

made so that the term of office for three members shall expire at the end of one year, three at the end of two years, and three at the end of three years. Thereafter appointments shall be made for full three-year terms. Board members shall serve at the pleasure of the director.

6041. The board shall be advisory to the director and may make recommendations on all matters pertaining to this article including but not limited to the annual budget, use of funds for research, necessary assessments and regulations required to accomplish the purposes of this article as provided in Section 6031.

6042. The board shall meet at the call of its chairman or the director or at the request of any three members of the board. The board shall meet at least once a year. Members of the board shall be allowed per diem and mileage in accordance with State Board of Control rules for attendance at meetings and other board activities authorized by the board and approved by the director.

6043. Upon termination of this article any remaining funds received by the director pursuant to this article shall be refunded on a pro rata basis to all persons from whom assessments were collected during the 12-month period preceding the date of termination, unless the director finds the amounts so returnable are so small as to make impractical computation and remitting of such refunds. If the director makes such a finding, the funds may be used by the director for beet leafhopper control or research activities.

6044. This article shall remain in effect until June 30, 1974, and shall have no force or effect after that date.

Sec. 2. There is hereby appropriated from the Department of Agriculture Fund in the State Treasury to the Department of Agriculture the sum of one hundred sixty-eight thousand eight hundred sixteen dollars (\$168,816) in augmentation of Item 61 of the Budget Act of 1970.

Sec. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to preserve the continuity of the beet leafhopper control program and to protect the upcoming season's harvest; it is necessary that this act go into immediate effect.

CHAPTER 1018

An act to amend Section 8572 of the Education Code, relating to physical education.

[Approved by Governor September 11, 1970. Filed with
Secretary of State September 11, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8572 of the Education Code is amended to read:

8572. All pupils, except pupils excused, shall be required to attend upon the courses of physical education for a total period of time of not less than 400 minutes each 10 schooldays. Any pupil may be excused from physical education classes during one of grades 10, 11, or 12 for not to exceed 24 clock hours in order to participate in automobile driver training. Such pupil who is excused from physical education classes to enroll in driver training shall attend upon a minimum of 7,000 minutes of physical education instruction during such school year.

CHAPTER 1019

An act to amend Section 8001 of the Education Code, relating to educational programs.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8001 of the Education Code is amended to read:

8001. The governing board of every school district shall prepare and shall keep on file for public inspection the courses of study prescribed for the schools under its jurisdiction. A copy shall be filed with the county superintendent of schools upon request by the superintendent.

CHAPTER 1020

An act to add Section 1466 to the Education Code, relating to ballot arguments.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1466 is added to the Education Code, to read:

1466. Any bona fide association of citizens which files a written argument pursuant to this article shall include therein its fictitious name and the names of its officers.

If the argument of a bona fide association of citizens is selected for printing and distribution to the voters, the fictitious name and the names of the officers of the association shall appear in connection with the printed argument.

CHAPTER 1021

An act to add Division 11 (commencing with Section 19900) to the Welfare and Institutions Code, relating to alcoholism

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Division 11 (commencing with Section 19900) is added to the Welfare and Institutions Code, to read:

**DIVISION 11. OFFICE OF ALCOHOL
PROGRAM MANAGEMENT**

19900 The Legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for alcoholism prevention and alcoholic rehabilitation services. To achieve this, it is necessary that:

(a) Existing fragmented, uncoordinated, and duplicative alcoholism programs be melded into a comprehensive, integrated delivery system for the prevention of alcoholism and for the care, treatment, and rehabilitation of alcoholics.

(b) Responsibility and authority for planning, establishing, and conducting programs and activities for prevention, treatment, and control of alcoholism be concentrated in one agency. It is hereby declared to be the intent of the Legislature to assign responsibility and grant authority for alcoholism prevention, treatment, and control programs to a state agency whose functions shall be subject to periodic review by the Legislature and appropriate federal agencies.

19901 There is hereby created in the Human Relations Agency, an Office of Alcohol Program Management under the control of an executive officer appointed by and holding office at the pleasure of the Governor. The duties and functions of this office shall be to:

(a) Oversee, harmonize, and coordinate all state programs relating to alcoholism.

(b) Consult with local health planning bodies and encourage and promote effective use of facilities, resources, and funds in the development of integrated comprehensive local programs for the prevention, treatment and control of alcoholism.

(c) Develop and implement a comprehensive, uniform plan for the prevention, treatment and control of alcoholism throughout the state.

(d) Consult with federal, state and local agencies involved in the provision and delivery of services designed to control, prevent and treat alcoholism

(e) Provide technical assistance guidance and information to local governments and state agencies with respect to the

creation and implementation of programs and procedures for dealing effectively with alcoholism and the treatment and rehabilitation of alcoholics.

(f) Develop a management information system which will furnish information to, and secure information from, all agencies providing services to alcoholics.

(g) Establish goals, priorities, and evaluation criteria for all state agencies providing services to alcoholics.

(h) Identify, in conjunction and cooperation with the Department of Finance, all funds made available to the state by the federal government, the state, its political subdivisions, and other sources which can be used in preventing alcoholism and in treating and rehabilitating alcoholics.

(i) In the same manner and subject to the same conditions as other state agencies, develop and submit annually to the Department of Finance a program budget for the statewide alcoholism program, including not only expenditures proposed to be made under this division, but also expenditures proposed to be made under any related program or by any other state agency, incidental to the prevention, control, and treatment of alcoholism. The office may require state departments to contract with it for services to carry out provisions of this division.

19902 The Office of Alcohol Program Management shall develop and submit annually to the Legislature a report on the statewide alcoholism plan and the statewide programs. The report shall include, but not be limited to, progress on implementation, evaluation criteria, effectiveness, funds spent and their sources, and the extent to which the misuse of alcohol and the gravity of alcoholism in California have been lessened.

19903. The Office of Alcohol Program Management shall coordinate all alcoholism services and related programs conducted by state agencies with the federal government, and shall ensure that there is no duplication of such programs among state agencies and that all agreements, contracts, plans, and programs conform to the provisions of this division. Any plan proposed to be submitted by any such agency to the federal government in relation to alcoholism or alcohol-related problems shall first be submitted to the Office of Alcohol Program Management for review.

19904. The Office of Alcohol Program Management may enter into agreements and contracts with any person, agency, corporation, or other legal entity and such other action as is necessary to carry out the purposes of this division. The office may require state departments to contract with it for services to carry out the provisions of this division.

19905 The Office of Alcohol Program Management may accept and expend grants, gifts, and legacies of money, and with the consent of the Department of Finance, may accept, manage, and expend grants, gifts, and legacies of other properties in furtherance of the purposes of this division.

19906 The Office of Alcohol Program Management may appoint an advisory committee of not more than 15 members to review, assess, and promote optimal use of local, state, and federal resources applicable to alcohol problems. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

SEC. 2. It is the intent of this act that by July 1, 1972, state and federal funds previously allocated to other agencies for the prevention, treatment, and rehabilitation of alcoholism be appropriated, to the fullest extent feasible, to the Human Relations Agency for those purposes.

CHAPTER 1022

An act to add Chapter 5.5 (commencing with Section 4900) to Division 2 of the Public Utilities Code, relating to travel promoters.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 5 (commencing with Section 4900) is added to Division 2 of the Public Utilities Code, to read:

CHAPTER 5.5. TRAVEL PROMOTERS

Article 1. General Provisions and Definitions

4900. The Legislature finds and declares that the public welfare requires the regulation and control of travel promoters who arrange air or sea transportation for members of the public and handle financial arrangements pertaining to such travel.

4901. "Person" includes individuals, partnerships, corporations, joint ventures, associations, organizations, groups or other entities.

4902. "Travel promoter" is a person other than an officially appointed travel agent who arranges air or sea transportation, either separately or in conjunction with other services, or who advertises that he has arranged or can arrange for air or sea transportation either separately or in conjunction with other services, but does not include any person or organization certified under the provisions of Part 5 (commencing with Section 12140) of Division 2 of the Insurance Code.

4903. "Travel agent" is an officially appointed agent of an air carrier or for a company operating an oceangoing

vessel acting in his capacity as agent for such air carrier or steamship company.

4905. "Air carrier" is a transporter of persons licensed by the Civil Aeronautics Board as a United States scheduled route carrier, a foreign route carrier, a foreign charter carrier or a United States supplemental carrier.

4906. "Advertise" means to make any communication in the solicitation of air or sea transportation and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

4907. "In trust" means a trust account in a state or federally chartered bank or savings and loan association.

4908. "Adequate bond" means a corporate bond of an amount at least equal to the amount required under the contract between the travel promoter and the transportation carrier or company. The aggregate liability of the surety on such bond shall, in no event, exceed the amount of such bond.

4910. "Passenger" is a person on whose behalf money or other consideration has been given or is to be given to another (including another member of the same partnership, corporation, joint venture, association, organization, group or other entity) for travel by air carrier or oceangoing vessel.

Article 2. Regulation of Travel Promoters

4920. Ninety percent of all sums received by a travel promoter for air or sea transportation shall be held in trust until the air carrier or company operating a seagoing vessel receives all the sums required by the air carrier or steamship company operating an oceangoing vessel to complete the air or ocean transportation. Partial sums paid to the air carrier or to the company operating the oceangoing vessel shall not be considered as violation of the trust.

In lieu of said trust, an adequate bond may be maintained by the travel arranger or promoter.

4921. A travel promoter shall not advertise air or ocean transportation unless he has properly contracted with an air carrier or a company operating an oceangoing vessel for such transportation.

4922. A travel promoter shall inform all passengers, upon their request, of the location of the trust or the name of the bonding company, also notifying passengers of name of carrier, dates of departure, and equipment used.

4923. In the event of flight or ocean departure cancellation through no fault of the passenger, all sums for air or ocean transportation, including boarding fees or registration fees or any other fees required by the travel promoter shall be returned by the travel promoter promptly to the passenger.

4924. Violation of this article is a misdemeanor.

CHAPTER 1023

An act to amend Section 6499.204 of the Education Code, relating to educational programs.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 6499.204 of the Education Code is amended to read:

6499.204. The advisory committee on program and cost effectiveness shall develop and recommend to the State Board of Education a methodology for evaluating the cost effectiveness of projects financed by Titles I and III of the Elementary and Secondary Education Act of 1965, the Miller-Unruh Basic Reading Act of 1965 (Chapter 5.8 (commencing with Section 5770) of Division 6) and Chapter 106 of the Statutes of 1966, First Extraordinary Session. Such methodology shall be utilized by the State Board of Education in determining which projects should be expanded and those which should be modified or replaced to produce a higher degree of program achievement and cost effectiveness. The advisory committee shall also assist the State Board of Education in the evaluation of the program achievement of such projects.

CHAPTER 1024

An act to amend Sections 35258 and 35419 of the Streets and Highways Code, relating to the Parking District Law of 1951, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 35258 of the Streets and Highways Code is amended to read:

35258. Upon the filing of the report, the legislative body may adopt a resolution declaring its intention to form a parking district. The resolution shall contain substantially the following:

(a) The name of the proposed district.

(b) A description of its boundaries. This description may be general only and may refer to a map on file in the office of the clerk of the legislative body, which map shall show the boundaries of the proposed district and shall govern for all its details.

(c) A general description of the acquisitions and improvements proposed by the petition. This description may be in

general terms and may refer to a map, plan, or sketch on file in the office of the clerk for a further description of what is proposed to be done.

(d) The estimates of costs, expenses, and revenues, and the assessed value of real property in the proposed district, as set forth in the report.

(e) The amount to be contributed by the city as proposed by the petition and agreed to by the legislative body.

(f) An estimate of the amount of the bonds proposed to be issued, the maximum number of years the bonds are to run, and the maximum rate of interest to be payable thereon not in excess of 7 percent a year.

(g) The limits, as stated in the petition, as to time and rate upon any ad valorem assessments which may be levied upon taxable real property in the district for the purposes permitted by this part.

(h) A general statement of the public ways within the district on which the city, as proposed by the petition, will install and maintain, or continue to maintain parking meters, the net revenues from which will be allocated and pledged to any of the purposes specified in this part, and the period of time, measured from the date of the bonds, for which the city will agree to maintain the meters. If it is proposed that only a portion of the net revenues be so allocated and pledged, such portion shall be generally defined.

(i) The time and place for the hearing on the proposed formation of the district and the time within which and the place where protests may be filed.

(j) The resolution shall make reference to the report on file in the office of the clerk.

SEC. 2. Section 35+19 of the Streets and Highways Code is amended to read:

35+19. The legislative body may sell the bonds at a price below the par or face value, provided that the discount on any bonds so sold shall not exceed 6 percent of the par value thereof.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent increases in the prime interest rate have hindered the sale of bonds necessary to finance the construction of urgently needed parking facilities in the urban areas. In order that such bonds may be sold at competitive prices in the present tight money market so that such construction can commence at the earliest possible moment, it is necessary that this act take effect immediately.

CHAPTER 1025

An act to amend Sections 4.25 and 4.30 of Chapter 1027 of the Statutes of 1947, relating to the University of California Dormitory Revenue Bond Act of 1947.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4.25 of Chapter 1027 of the Statutes of 1947 is amended to read:

Sec. 4.25. Bonds shall bear interest at a rate of not to exceed eight (8) percent per annum, payable annually or semi-annually or in part annually and in part semiannually.

SEC. 2. Section 4.30 of Chapter 1027 of the Statutes of 1947 is amended to read:

Sec. 4.30. Bonds may be sold at either public or private sale. The regents may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The regents may sell bonds at less than their par or face value, but no bond may be sold at a price below the par or face value thereof which would result in a sale price yielding to the purchaser an average of more than eight (8) percent per annum, payable semiannually, according to standard tables of bond values.

CHAPTER 1026

An act to add Section 23015 to the Government Code, relating to rehabilitation programs.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 23015 is added to the Government Code, to read:

23015. A county may conduct or participate in programs for the training, education or rehabilitation of wards or offenders, including, but not limited to, programs in which state or federal funds are granted or reimbursable. In connection therewith, a county may contract with federal, state or local public agencies, private persons, corporations and other business entities, and may make such expenditures of county funds as may be required for the conduct of, or participation in, such programs.

CHAPTER 1027

An act to amend Section 1300 of the Penal Code, relating to bail.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1300 of the Penal Code is amended to read:

1300. (a) At any time before the forfeiture of their undertaking, or deposit by a third person, the bail or the depositor may surrender the defendant in their exoneration, or he may surrender himself, to the officer to whose custody he was committed at the time of giving bail, in the following manner:

1. A certified copy of the undertaking of the bail, or a certified copy of the certificate of deposit where a deposit is made, must be delivered to the officer who must detain the defendant in his custody thereon as upon a commitment, and by a certificate in writing acknowledge the surrender.

2. Upon the undertaking, or certificate of deposit, and the certificate of the officer, the court in which the action or appeal is pending may, upon notice of five days to the district attorney of the county, with a copy of the undertaking, or certificate of deposit, and the certificate of the officer, order that the bail or deposit be exonerated, and on filing the order and papers used on the application, they are exonerated accordingly.

(b) Notwithstanding subdivision (a), if the court determines that good cause does not exist for the surrender of a defendant who has not failed to appear or has not violated any order of the court, it may, in its discretion, order the bail or the depositor to return to the defendant or other person who has paid the premium or any part of it, all of the money so paid or any part of it.

CHAPTER 1028

An act to amend Sections 12530 and 12538.5 of, to add Sections 12539, 12539.1, 12539.2, 12539.3, and 12539.4 to, and to repeal Section 12539 of, the Government Code, relating to health care plans.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 12530 of the Government Code is amended to read:

12530. This article shall be known and may be cited as the Knox-Mills Health Plan Act.

In this article unless the context otherwise requires:

(a) "Health care service plan" shall mean any form of organization or any arrangement whereby any person undertakes responsibility to provide, arrange for, pay for or reimburse any part of the cost of any health care service for a consideration consisting in part of prepaid or periodic charges; but the provisions of this article shall not apply to such a plan operated by an insurer, a nonprofit hospital service plan, or a fraternal benefit society, while such plan is so operated within the scope of the current certificate of authority issued by the Insurance Commissioner, or to such a plan operated under a trust fund negotiated by collective bargaining between an employer and a labor organization, as those terms are defined below or established and operated by an employer for his employees; provided that:

(1) The charges for the health care service are paid entirely by the trust fund, or entirely by the employer, or jointly by employer and employee; and

(2) No persons other than employees of the employer, or their family dependents, are eligible to become members of the health care service plan; and

(3) The plan is not advertised nor solicited except to persons eligible to subscribe to the plan. "Employer" shall mean any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee health care service plan, and includes a group or association of employers acting for an employer in such capacity. "Labor organization" shall mean any labor union which exists for the purpose, in whole or in part, of negotiating with an employer concerning an employee health care service plan, or other matters incidental to employment relationships. "Employee" shall mean any individual employed by an employer, or any family dependent of such individual.

(b) "Health care service" means any service included in the furnishing to any person of medical or dental care, treatment; or hospitalization or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of services purporting to constitute any system of alleviating, curing, or healing human illness or injury.

(c) "Member" shall mean a person who has been enrolled as a subscriber or a family dependent of a subscriber to a health care service plan and is entitled under the membership contract issued by such plan to receive health care services;

(d) "Membership contract" shall mean any contract, or in the absence of a formal contract, any other written description of rights and benefits enjoyed by members of the plan, issued by a health care service plan to its members;

(e) "Representative" shall mean any person directly or indirectly associated, whether as an officer, agent, employee, partner, associate, consultant, independent contractor or otherwise, with any health care service plan or with any provider

of health care services pursuant to arrangements in effect with any health care service plan.

(f) "Healing arts" shall mean all professions or other occupations, the practice of which is governed by Division 2 of the Business and Professions Code, or by the Chiropractic Initiative Act;

(g) "Advertising" shall mean communication to the public or any segment thereof by means of radio, television, newspaper, magazine, periodical, brochure, pamphlet, circular, or any other means, information purporting to relate to or describe a health care service plan or the costs or benefits thereof, if such communication is intended to cause, or may reasonably be expected to cause, recipients to become interested in becoming members of a health care service plan; provided however, that annual reports, written addresses, articles, statistical reports, reports of surveys or research studies and similar documents shall not be deemed to constitute advertising unless used for the purpose of attracting members to enroll in a health care service plan.

(h) "Solicitation" shall mean any communication, written or oral, in person or by means of telephone, radio, television, newspaper, magazine, periodical, brochure, circular, or otherwise, of any offer of coverage in a health care service plan, or invitation, or request to enroll in a health care service plan, or attempt to obtain consideration for the coverage of a health care service plan, or any other device, the apparent purpose or reasonable effect of which would be to induce the recipient thereof to enroll in, or pay any consideration for the coverage provided by, a health care service plan.

(i) "Cash or equivalent" means any or all of the following:

- (1) Cash on hand;
- (2) Cash in bank subject to immediate withdrawal;
- (3) Readily marketable securities listed on a national securities exchange;
- (4) Bank acceptances, time deposits or certificates of deposits that mature within 90 days of the date of purchase or are negotiable;
- (5) Investments in savings and loan associations upon satisfactory proof that the funds of the health care service plans are readily available upon demand;
- (6) United States Treasury bills and United States bonds and bonds of state and other government units whose marketability and value are established by satisfactory proof; and
- (7) Such other assets readily convertible into cash as the Attorney General may by regulation authorize.

The valuation to be assigned to a cash equivalent is the price at which such asset is immediately marketable at a forced sale.

(j) "Net equity" means the excess of total assets over total liabilities determined in accordance with generally accepted accounting principles.

(k) "Tangible net equity" means net equity reduced by the value assigned to intangible assets including but not limited to such items as goodwill, going concern value, organization expense, starting up costs, long-term prepayments of deferred charges and nonreturnable deposits.

The foregoing definitions are intended to apply only to the interpretation of this article and shall not alter or affect the application of any other law or regulation.

SEC. 2. Section 12538.5 of the Government Code is amended to read:

12538.5. The Attorney General may adopt, amend, or repeal such rules and regulations as are necessary for the enforcement of the provisions of this act. Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act. The violation of any rules or regulations enacted by the Attorney General for the enforcement of the provisions of this act shall be deemed a violation of the provisions of this article.

SEC. 3. Section 12539 of the Government Code is repealed.

SEC. 4. Section 12539 is added to the Government Code, to read:

12539. No health care service plan subject to the provisions of this article shall establish, maintain or operate a health care service plan unless such plan shall have and at all times maintain a tangible net equity equal to the following minimum amounts in relation to the number of individuals and family units entitled to health care services under contracts issued by such health plan:

Number of individual family units	Amount of tangible net equity
2,500 or less -----	\$10,000
2,501 to 3,500 inclusive -----	15,000
3,501 to 4,500 inclusive -----	20,000
4,501 to 5,500 inclusive -----	25,000
5,501 and above -----	30,000

The failure of any health care service plan to maintain the required minimum tangible net equity constitutes a violation of this article.

SEC. 5. Section 12539.1 is added to the Government Code, to read:

12539.1. Every health care service plan which reimburses providers of health care service that do not contract in writing with the health plan to provide health care services for a specified consideration, or which reimburses its members for expenditures incurred in having received health care service from providers that do not contract with the health plan, in an amount which exceeds 10 percent of its total expenditures for health care services, shall maintain cash or equivalents at least equal to the aggregate sum of the last three months of such payments which were made and accrued to such pro-

viders of service and its members, provided however, that the Attorney General may, in his discretion, reduce this requirement to such amount as he deems sufficient to protect subscribers to such plan.

SEC. 6. Section 12539.2 is added to the Government Code, to read:

12539.2. Any health care service plan required to register under this article shall maintain its books of account on an accrual basis and in accordance with generally accepted accounting principles.

SEC. 7. Section 12539.3 is added to the Government Code, to read:

12539.3. Every health care service plan which reimburses providers of health care service on a fee-for-service basis, or which directly reimburses its members, to an extent exceeding 10 percent of its total payments for health care services, shall estimate and record in the books of account a liability for incurred and unreported claims. Upon a determination by the Attorney General that the estimate is inadequate, the Attorney General may require the health care service plan to increase its estimate of incurred and unreported claims.

As used herein the term "fee for service" refers to the situation where the amount of reimbursement paid by the health care service plan to providers of service is determined by the amount and type of service rendered by the provider of service.

SEC. 8. Section 12539.4 is added to the Government Code, to read:

12539.4. No health plan shall expend for administrative costs in any fiscal year an excessive amount of the aggregate dues, fees and other periodic payments received by the plan for providing health care services to its members. The term "administrative costs," as used herein, includes costs incurred in connection with the solicitation of members for the health care service plan.

This section is not intended to preclude a health care service plan from expending additional sums of money for administrative costs provided such money is not derived from revenue obtained from members of the health plan.

CHAPTER 1029

An act to amend Sections 11476, 11479 and 11501 of, and to add Section 11476.5 to, the Education Code, relating to school attendance.

The people of the State of California do enact as follows:

SECTION 1. Section 11476 of the Education Code is amended to read:

11476. The attendance of adults as defined in Section 5756 shall be kept separately from all other attendance. The units of average daily attendance of adults resident of the community college district enrolled in regular freshman and sophomore courses during the academic year shall be computed in the manner prescribed in Section 11475 except that the factor prescribed therein shall be adjusted as required to reflect the attendance of resident adults. The attendance of such resident adults in summer schools and classes for adults shall be computed in the manner prescribed in Sections 11479 and 11501, respectively.

SEC. 2. Section 11476.5 is added to the Education Code, to read:

11476.5. The Department of Finance, in cooperation with the Board of Governors of the California Community Colleges, shall determine the census day or days and establish the factor or factors representing the relationship between class or contact hours and average daily attendance of students in classes for adults. The average daily attendance shall be computed by multiplying the applicable factor or factors by the sum of the applicable class or contact hours per week for which pupils are regularly enrolled, multiplying the product so derived by the number of weeks scheduled for the class in the term, and dividing the resulting product by 525.

Any factor or factors established for such purposes shall be reviewed from time to time by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges.

SEC. 3. Section 11479 of the Education Code is amended to read:

11479. The units of average daily attendance of pupils, including adults as defined in Section 5756, enrolled in summer schools shall be computed by dividing the total class hours of attendance by 525.

The Department of Finance, in cooperation with the Board of Governors of the California Community Colleges, shall determine the census day or days and establish the factor or factors representing the relationship between class or contact hours and average daily attendance of students, including adults, enrolled in summer schools. The factor or factors shall be used in computing average daily attendance for apportionment of state funds commencing with summer school attendance for the next fiscal year after the establishment and approval of a factor or factors by the Department of Finance. The average daily attendance shall be computed by multiplying the applicable factor or factors by the sum of the class or contact hours per week, multiplying the product so

derived by the number of weeks, and dividing the resulting product by 525.

Any factor or factors established for such purposes shall be reviewed from time to time by the Department of Finance in cooperation with the Board of Governors of the California Community Colleges.

SEC. 4. Section 11501 of the Education Code is amended to read:

11501. The units of average daily attendance in classes for adults for a fiscal year maintained by a district, other than a community college district, shall be computed by dividing the total days of pupils' attendance in such classes during the fiscal year by 175. The average daily attendance so computed shall be credited to the district maintaining the classes for adults. The units of average daily attendance in classes for adults for a fiscal year maintained by a community college district shall be computed as set forth in Section 11476.5.

CHAPTER 1030

An act to amend Section 14128 of, to add Sections 14000.4, 14001.1, 14124.1, 14124.2, 14124.3, 14124.4, 14124.5, and 14124.6 to, and to repeal Section 14152 of, the Welfare and Institutions Code, relating to medical assistance.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14000.4 is added to the Welfare and Institutions Code, to read:

14000.4. This chapter shall be known and may be cited as the "Medi-Cal Act."

SEC. 2. Section 14001.1 is added to the Welfare and Institutions Code, to read:

14001.1. It is the intention of the Legislature, whenever feasible, that the needs of recipients of public assistance for health care and related remedial or preventive services be met under the provisions of this chapter.

SEC. 3. Section 14124.1 is added to the Welfare and Institutions Code, to read:

14124.1. Each provider of health care services rendered to any beneficiary under this chapter shall keep and maintain records of each such service rendered, the beneficiary to whom rendered, the date, and such additional information as the department may by regulation require. Records herein required to be kept and maintained shall be retained by the provider for a period of three years from the date the service was rendered.

SEC. 4. Section 14124.2 is added to the Welfare and Institutions Code, to read:

14124.2. The department during normal working hours may make any examination of the books and records of any provider pertaining to services rendered to any beneficiary under this chapter, and may visit and inspect the premises or facilities of any provider it may deem necessary to carry out the provisions of this chapter and regulations adopted thereunder.

SEC. 5. Section 14124.3 is added to the Welfare and Institutions Code, to read:

14124.3. Notice of any act of the department required by law or department regulation to be given may be signed and given by the director or an authorized employee of the department and may be made personally or by mail. If made by mail, service shall be made in the manner prescribed by Section 1013 of the Code of Civil Procedure. In the case of service by mail, the service is complete at the time of deposit in the United States Post Office.

SEC. 6. Section 14124.4 is added to the Welfare and Institutions Code, to read:

14124.4. The director may on his own motion at any time before a suspension is placed into effect and without further proceedings, review the penalty against a provider, but such review shall be limited to reduction of such penalty.

SEC. 7. Section 14124.5 is added to the Welfare and Institutions Code, to read:

14124.5. The department shall adopt, amend or repeal, in accordance with Chapter 4.5 (commencing with Section 11371) of Part 1, Division 3, Title 2 of the Government Code, such reasonable rules and regulations as may be necessary or proper to carry out the purposes and intent of this chapter and to enable it to exercise the powers and perform the duties conferred upon it by this chapter, not inconsistent with any of the provisions of any statute of this state.

SEC. 8. Section 14124.6 is added to the Welfare and Institutions Code, to read:

14124.6. In the event the director orders that oral argument or a hearing be held upon a petition for reinstatement or reduction of penalty filed pursuant to Section 11522 of the Government Code, he may hear and decide the matter himself or may, in his discretion and with the consent of the Office of Administrative Procedure, either (1) sit and hear the matter with a hearing officer or (2) assign the matter to the Office of Administrative Procedure for hearing by a hearing officer, who shall prepare a proposed decision for the department for action pursuant to Section 11517 of the Government Code.

SEC. 9. Section 14128 of the Welfare and Institutions Code is amended to read:

14128. The council shall perform the following functions:

(a) Plan for the development of a comprehensive program of medical care for all medically indigent persons by 1977.

(b) Promote the most efficient use of available health facilities.

(c) In cooperation with professional associations, compare the medical care given under this chapter with accepted and predetermined standards of care, for the purpose of reducing morbidity and mortality and improving the quality of care.

(d) Review the need for systematic grading of health insurance prepayment plans.

SEC. 10. Section 14152 of the Welfare and Institutions Code is repealed.

CHAPTER 1031

An act to amend Section 5875, 5876, and 5878.1 of the Streets and Highways Code, relating to sidewalks and curbs.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5875 of the Streets and Highways Code is amended to read:

5875. The owners of lots or portions of lots fronting on any public street or place when that street or place has been improved by the construction of sidewalks or curbs for a total frontage of more than fifty percent (50%) on one side of such street or place in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of a block has been filed with the city clerk requesting the installation of such improvements in front of said part, or whenever the legislative body of the city upon its own motion orders the installation of such improvements in front of said part, shall have the duty of constructing or causing the construction of sidewalks or curbs in front of their properties upon notice so to do by the superintendent of streets.

SEC. 2. Section 5876 of the Streets and Highways Code is amended to read:

5876. When the superintendent of streets finds that sidewalks or curbs have been constructed, or that their construction has been guaranteed to his satisfaction, in front of properties constituting more than fifty percent (50%) of the frontage in any block, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of the block has been filed with the city clerk requesting the installation of such improvements, or where a petition signed by the owners of more than sixty percent (60%) of the front footage of any part of an unimproved portion or portions of

a block has been filed with the city clerk requesting the installation of such improvements in front of said part, or whenever the legislative body of the city upon its own motion has ordered the installation of such improvements in front of said part, said superintendent of streets may, and upon the instructions of the legislative body of the city shall, notify the owner or person in possession of the property fronting on that portion of the street in such block in which no sidewalks or curbs have been constructed theretofore, to construct or cause to be constructed sidewalks or curbs in front of his property.

SEC. 3. Section 5878.1 of the Streets and Highways Code is amended to read:

5878.1. The notice also shall specify the day, hour and place when the legislative body will hear and pass upon objections or protests, if any, which may be raised by any property owner or other interested persons but in no case shall such hearing be sooner than 10 days after giving of notice. Upon the day and hour fixed for the hearing the legislative body shall hear and pass upon such objections or protests. If the public convenience and necessity require the installation of such improvements in front of said part, the legislative body, by affirmative vote of four-fifths of its members, may overrule such objections and protests. The decision of the legislative body on all protests and objections which may be made, shall be final and conclusive. The hearing required by this section shall be in addition to the hearing required by Section 5881 of this chapter.

CHAPTER 1032

An act to add Section 1016.9 to the Education Code, relating to hearing officers.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1016.9 is added to the Education Code, to read:

1016.9. The governing board of any school district, including the governing board of a community college district, may contract for the services of a hearing officer pursuant to the provisions of Chapter 14 (commencing with Section 27720), Part 3, Division 2, Title 3 of the Government Code and, for purposes of that chapter, the governing board is deemed to be a local body and the school district a local public entity.

CHAPTER 1033

*An act to amend Section 13355.7 of the Education Code,
relating to school employees.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13355.7 of the Education Code is amended to read:

13355.7. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this article, including the establishment of minimum standards for in-service and preservice programs offered.

No allocation of state and federal funds combined made in connection with the provisions of this article shall exceed the total amount of two thousand two hundred dollars (\$2,200) per trainee in in-service and preservice programs.

CHAPTER 1034*An act to add Section 13604.1 to, and to amend Sections 21301
and 21320 of, the Education Code, relating to school funds.*

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13604.1 is added to the Education Code, to read:

13604.1. Whenever it is determined that an error has been made in the calculation or reporting in any classified employee payroll or in the payment of any classified employee's salary, the appointing authority shall, within five workdays following such determination, provide the employee with a statement of the correction and a supplemental payment drawn against any available funds.

SEC. 2. Section 21301 of the Education Code is amended to read:

21301. The governing board of any school district may, with the consent of the county superintendent of schools, establish a revolving cash fund for the use of the chief accounting officer of the district, by adopting a resolution setting forth the necessity for the revolving cash fund, the officer for whom and the purposes for which the revolving cash fund shall be available, and the amount of the fund. The purposes for which the revolving cash fund shall be available shall include the purposes specified in Section 13604.1. The amount of the fund shall not be more than 2 percent of the district's estimated expenditures for the current fiscal year and shall not in any event

exceed ten thousand dollars (\$10,000) for any elementary school, high school, or community college district; twenty thousand dollars (\$20,000) for any unified district of elementary and high school levels, and thirty thousand dollars (\$30,000) for any unified district of elementary, high school, and community college levels. Three certified copies of the resolution shall be transmitted to the county superintendent of schools. If he approves the establishment of the fund, the county superintendent shall endorse his consent on the resolution and return one copy to the governing body of the district, and transmit one copy to the county auditor.

SEC. 3. Section 21320 of the Education Code is amended to read:

21320. In addition to establishing or maintaining a revolving cash fund under the provisions of Article 1 (commencing with Section 21301) of this chapter, the governing board of any school district having an average daily attendance of 75,000 or more may, by resolution, establish revolving cash funds for use by school principals and other administrative officials designated by the governing board and acting in accordance with regulations prescribed by the governing board, for services or matériel and for the purposes specified in Section 13604.1. The resolution shall set forth the necessity for the revolving cash funds, the principals of schools and other administrative officials of the school district designated by the governing board, the purposes for which the revolving cash funds shall be made available, and the amount of such funds. The total amount of such funds for each district shall not exceed 3 percent of the current year's instructional supply budget.

The governing board of any school district may establish a checking account for the revolving fund in one or more banks. The account shall be established in the custody of the principal or other administrative official designated by the governing board for whose use the revolving cash fund is created. The principal or administrative official in whose name the revolving cash fund is created shall be responsible for all expenditures therefrom, subject to such regulations as the governing board prescribes. The governing board shall provide for an audit of such funds on a regular basis.

The revolving cash fund for supplies shall be subject to the bonding provisions of Section 21302.

CHAPTER 1035

An act to amend Section 13259 of the Education Code, relating to employment of certificated employees.

The people of the State of California do enact as follows:

SECTION 1. Section 13259 of the Education Code is amended to read:

13259. Any certificated employee not under permanent tenure who fails to signify his acceptance within 45 consecutive calendar days after notice of his election or employment has been given him, or mailed to him by United States registered mail with postage thereon prepaid at his last known place of address, by the clerk or secretary of the governing board of the school district, shall be deemed to have declined the employment.

CHAPTER 1036

An act to amend and renumber the heading of Article 1 (commencing with Section 1000) of Chapter 3 of Division 2 of, to amend Section 12004 of, to add Article 1 (commencing with Section 900) to Chapter 3 of Division 2, Sections 3511, 4700, 5050, and 5515 to, and to repeal Sections 3511 and 4700 of, the Fish and Game Code, relating to fish and game.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 1 (commencing with Section 900) is added to Chapter 3 of Division 2 of the Fish and Game Code, to read:

Article 1. California Species Preservation

900. The intent of the Legislature and the purpose of this article is to preserve, protect and enhance the birds, mammals, fish, amphibia, and reptiles of this state.

901. The department shall establish criteria for determining if a species or subspecies of bird, mammal, fish, amphibia or reptile is endangered or rare. A species is endangered when its prospects of survival and reproduction are in immediate jeopardy. A species or subspecies is rare when it may become endangered if its present environment worsens.

902. The department shall inventory the birds, mammals, fish, amphibia, and reptiles of the state which are threatened biennially. Such inventory shall include but is not limited to: (a) An enumeration of the threatened birds, mammals, fish, amphibia and reptiles of the state. (b) A determination of the condition of each species with respect to its being endangered or rare, or becoming endangered or rare.

903. The department shall submit to the Governor and the Legislature biennially, not later than January 1, the first of which shall be submitted no later than January 1, 1972, a full and accurate report of the inventory, including

recommendations for: (a) The addition or deletion of endangered and rare species under the fully protected category where necessary. (b) Preserving, protecting, and enhancing the conditions of endangered and rare species of the state.

SEC. 2. The heading of Article 1 (commencing with Section 1000) of Chapter 3 of Division 2 of the Fish and Game Code is amended and renumbered to read:

Article 1.5. Generally

SEC. 3. Section 3511 of the Fish and Game Code is repealed.

SEC. 4. Section 3511 is added to the Fish and Game Code, to read:

3511. Fully protected birds or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected bird and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected birds or parts thereof may be possessed under a permit issued by the department.

The following are fully protected birds:

- (a) American peregrine falcon (*Falco peregrinus anatum*)
- (b) California black rail (*Laterallus jamaicensis coturniculus*)
- (c) California clapper rail (*Rallus longirostris obsoletus*)
- (d) California condor (*Gymnogyps californianus*)
- (e) California least tern (*Sterna albifrons browni*)
- (f) Greater sandhill crane (*Grus canadensis tabida*)
- (g) Light-footed clapper rail (*Rallus longirostris levipes*)
- (h) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*)
- (i) Trumpeter swan (*Cygnus buccinator*)
- (j) White-tailed kite (*Elanus leucurus*)
- (k) Yuma clapper rail (*Rallus longirostris yumanensis*)

SEC. 5. Section 4700 of the Fish and Game Code is repealed.

SEC. 6. Section 4700 is added to the Fish and Game Code, to read:

4700. Fully protected mammals or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected

mammals or parts thereof may be possessed under a permit issued by the department.

The following are fully protected mammals:

(a) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)

(b) Bighorn sheep (*Ovis canadensis*)

(c) Northern elephant seal (*Mirounga angustirostris*)

(d) Guadalupe fur seal (*Arctocephalus townsendi*)

(e) Ring-tailed cat (*Genus bassariscus*)

(f) Pacific right whale (*Eubalaena sieboldi*)

(g) Salt-marsh harvest mouse (*Reithrodontomys raviventris*)

(h) Southern sea otter (*Enhydra lutris nereis*)

(i) Wolverine (*Gulo luscus*).

SEC. 7. Section 5050 is added to the Fish and Game Code, to read:

5050. Fully protected reptiles and amphibians or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected reptile or amphibian and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected reptiles or amphibians or parts thereof may be possessed under a permit issued by the department.

The following are fully protected reptiles and amphibians:

(a) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*)

(b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)

(c) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*)

(d) Limestone salamander (*Hydromantes brunus*)

(e) Black toad (*Bufo boreas exsul*)

SEC. 8. Section 5515 is added to the Fish and Game Code, to read:

5515. Fully protected fish or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected fish and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected fish or parts thereof may be possessed under a permit issued by the department.

The following are fully protected fish:

- (a) Colorado River squawfish (*Ptychocheilus lucius*)
- (b) Thicktail chub (*Gila crassicauda*)
- (c) Mohave chub (*Gila mohavensis*)
- (d) Lost River sucker (*Catostomus luxatus*)
- (e) Modoc sucker (*Catostomus microps*)
- (f) Shortnose sucker (*Chasmistes brevirostris*)
- (g) Humpback sucker (*Xyrauchen texanus*)
- (h) Owens River pupfish (*Cyprinodon radiosus*)
- (i) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*)
- (j) Rough sculpin (*Cottus asperimus*)

Sec. 9. Section 12004 of the Fish and Game Code is amended to read:

12004. A violation of any of the following provisions is punishable by imprisonment in the county jail for a term not exceeding one year or a fine not exceeding one thousand dollars (\$1,000), or both:

- (a) Any provision of this code relating to sea otter.
- (b) Any provision of Sections 4600 to 4606, inclusive, of this code.
- (c) Any provision of Section 1059 of this code.
- (d) Any provision of this code relating to California condors (*Gymnogyps californianus*).
- (e) Any provision of subdivision (a) or (b) of Section 5650 of this code.
- (f) Any provision of Sections 3511, 4700, 5050, and 5515 of this code.
- (g) Any provision of Section 10500 of this code.

CHAPTER 1037

An act to add Section 5659.1 to the Welfare and Institutions Code, relating to mental health.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 5659.1 is added to the Welfare and Institutions Code, to read:

5659.1. In addition to Section 5659, each county Short-Doyle fiscal year plan shall separately specify a five-year projection of county needs for services for mentally disordered children, provide for the orderly and economical development of those services and indicate priorities and anticipated expenditures and revenues.

CHAPTER 1038

An act to amend Sections 12841, 13211, and 13623 of the Public Utilities Code and to amend Sections 13 and 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 12841 of the Public Utilities Code is amended to read:

12841. A district may borrow money and incur indebtedness, and may issue bonds or other evidences of indebtedness. No indebtedness shall be incurred exceeding the ordinary annual income and revenue of the district without the approval of a majority vote of the voters voting on the proposition to incur such indebtedness except as follows:

(a) A further vote of the voters is not required for any indebtedness heretofore or hereafter incurred within the purposes and not exceeding the available amount of any previously authorized bond issue, and as to such indebtedness the proceeds of any of the bonds unexpended in the treasury of the district, or the par value of any of the bonds which are unsold shall be deemed a part of the ordinary annual income and revenue of the district.

(b) Any district operating a utility under rules requiring applicants for extensions to advance the expenses of such extensions and facilities for serving additional territory may enter into agreements to refund to the applicants in a subsequent year the whole or any part of the expenses so advanced, and the refunds may be paid out of the revenues of subsequent years.

SEC. 2. Section 13211 of the Public Utilities Code is amended to read:

13211. The votes of a majority of all the voters voting on the proposition at the election are required to authorize the issuance of bonds under this chapter.

SEC. 4. Section 13623 of the Public Utilities Code is amended to read:

13623. The favorable vote of a majority of all the voters within the special district voting on the proposition is required to authorize the issuance of the bonds.

SEC. 5. Section 13 of the Alameda County Flood Control and Water Conservation Act (Ch. 1275, Stats. 1949) is amended to read:

Sec. 13. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution

determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the Office of the Recorder of Alameda County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones the proposition of incurring a bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness, and shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed seven percent (7%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector, one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and im-

provements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election a majority of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless a majority of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 6. Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949) is amended to read:

Sec. 36. Notwithstanding any other provisions of this act, the following shall apply with respect to the establishment, government, operation and financing of any zone lying wholly or in part in Pleasanton or Murray Townships:

1. The board of supervisors shall have no authority to proceed with the establishment of any zone lying wholly or in part in Pleasanton or Murray Townships without first obtaining the approval thereof by a vote of a majority of the qualified electors voting at a regular or special election on said proposition; said election shall in all particulars be held, as nearly as practicable, in conformity with the general election laws of the state, and the cost thereof shall be reimbursed to the district if a zone is established.

- 2 Any zone established by the board of supervisors under the provisions of this act lying wholly or in part in Pleasanton or Murray Townships, shall be governed and controlled by a board of seven (7) directors elected by the qualified electors

residing within the boundaries of said zone. The first members of said board shall be elected at the election called by the board of supervisors upon the proposition for establishment of said zone.

The term of directors shall be four years from and after their election commencing with the election of three directors in 1960 and four directors in 1962. Elections for directors shall be consolidated with the direct primary election in each even-numbered year and shall be called by proclamation of the board of supervisors of the county, issued in the manner specified in Section 1005 of the Elections Code. Terms of office shall commence July 1st of the year in which elected.

The term of office of the two directors whose present terms expire in 1961 are hereby extended to 1962, at which time said two offices shall be filled by election together with the two offices whose terms expire in 1962 under the provisions of this section as it read as amended by Chapter 20 of the Statutes of 1957.

Vacancies in the membership of a board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board. Every voter resident within the zone for the period requisite to enable him to vote at the direct primary is entitled to vote at zone elections. Polling places and election officers shall be the same as provided for in the direct primary elections.

The name of the candidate shall be printed on the ballot when a nominating petition and declaration of acceptance have been filed with the county clerk. Each nominating petition shall be signed by not less than 5 nor more than 20 persons each of whom meets the qualifications hereinafter set forth. Each nominating petition and declaration of acceptance shall be in substantially the following respective forms:

NOMINATING PETITION AND DECLARATION OF ACCEPTANCE

State of California }
County of Alameda } ss

I (or we) the undersigned certify that I join in a petition for the nomination of ----- for the office of Director of Ward --- (or at large) of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the election on the --- day of -----, 19-- . I am a qualified elector, residing in the zone. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed) -----

State of California }
County of Alameda } ss

----- being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

State of California }
County of Alameda } ss

I hereby accept the nomination as a candidate for the office of Board of Directors of Ward --- (or, at large) of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the primary election to be held -----, 19--, and if nominated I will not withdraw and will qualify for the office if elected.

(Signed) -----

The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

Each signer shall be a qualified elector, residing in the zone, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Each nominating petition shall be verified under oath of one of the signers that the signatures are the signatures of the persons whose names they purport to be.

A nominating petition shall be presented to the county clerk not more than 90 nor less than 60 days before the election.

If, on the 60th day prior to the day fixed for the zone election, only one person has been nominated for each office of member of the board of directors or no one has been nominated for one or more of such offices, and if on the 50th day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the zone, requesting that the election be held, has not been presented to the board of directors of the zone, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a zone election.

In such instances notices shall be posted in three public places in the zone at least 10 days before the date fixed for the election, which notices shall state that no election is to be held

and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

When a petition is presented for filing the county clerk shall forthwith examine it and ascertain whether or not it conforms to this section.

If found not sufficient it shall be returned to the person who presented it.

The county clerk shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this section.

The directors shall be elected at large and, except as provided herein, the election of said directors shall be conducted in substantially the same manner as provided by state law for direct primary elections.

The directors must be residents of the proposed zone and qualified electors and owners of real property therein.

The board of directors may authorize each director to receive compensation not exceeding twenty-five dollars (\$25) for each meeting of the board attended by him, not exceeding two (2) meetings in any calendar month, and his actual and necessary expenses incurred in performance of official duties under this act, payable from the funds of said zone.

3. The board of directors of any zone in which directors have been elected as provided in this act shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone and the zone board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the zone board or zone as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Alameda; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the zone board without reference to any classified civil service list.

4. If any of the reports, supplementary reports, additional reports or recommendations provided for in Section 9 of this act relate to projects or work in any zone in which a zone board of directors has been elected as provided in this act, full and complete copies thereof shall be filed with the zone board immediately upon the filing of such with the board of supervisors.

5. If, under the provisions of Section 10 of this act, the board finds that any project or work of improvement is in whole or in part for the benefit of any zone in which a board of directors has been elected, the approval or concurrence of the zone board shall be obtained before any final determination is made to proceed with such project or work of improvement.

6. No proceeding shall be commenced or taken by the board

under Sections 11, 12.1, or 12.2 of this act for the institution of any project or work of improvement or the establishment of any improvement district in whole or in part in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the institution of said project or work of improvement or the establishment of any special benefit, drainage, or improvement area or district.

7. In any zone in which a board of directors has been elected, the tax or assessment for any purpose or purposes, other than administrative costs and expenses of the district, shall be based upon a budget or budgets prepared by, or under the direction of, the zone board of directors.

The taxes and assessments (other than the tax to pay the general administrative costs and expenses of the district and other than any taxes, assessments, or fees levied for improvement districts or pursuant to Sections 12.1, 12.2 and Section 16 hereof to pay bonds and interest thereon) levied by the board pursuant to Section 12 of this act upon any property in any zone lying wholly or in part in Pleasanton or Murray Townships shall not exceed in the aggregate the sum of fifteen cents (\$0.15) on each one hundred dollars (\$100) of assessed valuation unless a larger tax has been approved by a vote of not less than a majority of the qualified electors voting upon the proposition to increase such tax.

Notwithstanding any other provisions of this section, taxes and assessments may be levied by the board after approval by the zone board, pursuant to Sections 12 or 12.1 of this act, upon any property in the zone for the purpose of making payments to the State of California for the construction, maintenance, repair, operation and all other costs of the zone's prorated share of state water facilities.

8. No proceeding shall be commenced or taken by the board under Section 13 of this act for the incurring of a bonded indebtedness to pay the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the incurring of such bonded indebtedness.

The amount of bonded indebtedness outstanding at any time shall not exceed five percent (5%) of the assessed valuation of all taxable property in any zone lying wholly or in part in Pleasanton or Murray Townships.

SEC. 7. In the event that the case of *Westbrook v. Mihaly S.F. No. 22706* is reversed by the United States Supreme Court, the provisions of this act, except for Section 8, shall have no further force or effect. The provisions of this section shall not operate to invalidate any bonds duly authorized subsequent to the effective date of this act and prior to a reversal of the case of *Westbrook v. Mihaly* by the United States Supreme Court.

SEC. 8. All bond elections affected by this act and held in even-numbered years shall be consolidated with the direct primary or general election, and all bond elections affected by this act and held in odd-numbered years shall be held on the first Tuesday after the first Monday in November and consolidated with any district elections held on that date.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The decision of the California Supreme Court in the case of *Westbrook v. Mihaly* has held a two-thirds vote requirement on bond issues to be unconstitutional. Enactment of this bill would permit local districts to hold such elections in spite of statutory requirements for a two-thirds vote. To prevent expensive delay for such districts, it is imperative that this bill take effect on the earliest possible date.

CHAPTER 1039

An act to add Section 1009.5 to the Education Code, relating to school attendance.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1009.5 is added to the Education Code, to read:

1009.5. No governing board of a school district shall require any student or pupil to be transported for any purpose or for any reason without the written permission of the parent or guardian.

CHAPTER 1040

An act to amend Sections 7495, 7495.2 and 7495.32 of the Education Code, relating to year-around elementary schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 7495 of the Education Code is amended to read:

7495. It is the intent and purpose of the Legislature, by the provisions of this chapter, to authorize the establishment of an

experimental four-quarter year-around elementary school program on a mandatory attendance basis at one elementary school maintained by a unified school district which has a current average daily attendance of not less than 25,000 nor more than 35,000. The program should enable the adoption of innovative instructional systems and techniques including special concentration upon critical elements of the required curricula over the longer academic year, permit maximum utilization of school plant, facilities and equipment, permit closer coordination of the elementary school instructional operations with the teacher-training operations of many institutions of higher education, permit the most efficient utilization of teachers' specializations, effect the replacement of the present system of lengthy summer vacations with shorter quarterly vacation periods with resultant diminution of pupils' vacation "learning loss," and afford numerous related benefits. This chapter shall be liberally construed to permit the accomplishment of these ends and to facilitate the complete evaluation of the school operations to enable the Legislature to determine what administrative, social, and other problems are presented thereby, and whether the same may feasibly be put into operation on a broader scale throughout the state.

SEC. 2. Section 7495.2 of the Education Code is amended to read:

7495.2. A year-around elementary school program established pursuant to this chapter shall be of an experimental or pilot-program nature and shall have a duration of seven full academic years, as established by the governing board of the district for purposes of the program

SEC. 3. Section 7495.32 of the Education Code is amended to read:

7495.32. The governing board of the school district shall keep a continuous record of the progress of each pupil, and within 30 calendar days after the commencement of the regular session of the Legislature convened following the expiration of the third, fifth, and seventh academic years during which an educational program established pursuant to this chapter is in operation at a school shall, acting through and in conjunction with the Department of Education, submit to the Legislature a comprehensive report concerning the program. The report shall contain information concerning the results of the testing program conducted pursuant to Section 7495.31, the administrative and fiscal problems connected with the program, the impact of the program upon the community and its acceptance by citizens, parents, and taxpayers, and all other relevant matters.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Pursuant to Section 7495.2 of the Education Code, the experimental year-around elementary school program, authorized by the Legislature by Chapter 1050, Statutes of 1968, will terminate in August, 1970. In order that the program be continued uninterrupted for the additional period of time authorized by this act, thus insuring continued evaluation of the pupils presently enrolled in the program and making possible a more meaningful evaluation of the program, it is essential that this act take effect immediately.

CHAPTER 1041

An act to amend Section 29802 of the Government Code, and Section 15001 of the Welfare and Institutions Code, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 29802 of the Government Code is amended to read:

29802. Unless otherwise provided by ordinance, any warrant issued is void if not presented to the county treasurer for payment within six months after its date.

Whenever, under the provisions of this section, warrants drawn on trust funds become void, the moneys in the county treasury represented by such warrants may be transferred to the general fund of the county by the county auditor unless disposition is otherwise provided by law.

Any time within two years from the date on which the original warrant became void, the payee or assignee of any warrant which is void as provided in this section may present such warrant to the governing body of the agency on which the warrant was drawn, or declare by affidavit that such warrant has been lost or destroyed, and the governing body of such agency may adopt an order instructing the county auditor to draw a new warrant in favor of the payee in the same amount as the original warrant, or the governing body may by resolution authorize the auditor to draw new warrants within the limitations prescribed by the resolution without prior individual order of the governing body, provided the limitations prescribed by this section have been complied with. Any such new warrant shall be subject to the same limitations as the original warrant which it replaces.

SEC. 2. Section 15001 of the Welfare and Institutions Code is amended to read:

15001. Any warrant issued in payment of aid under this division is subject to the provisions of Section 29802 of the Government Code. Each such warrant shall bear on its face a

statement that the warrant shall be void if not presented to the county treasurer for payment within six months after the date of issuance thereof.

The provision for a substitute warrant shall also apply to the assignee of a warrant, or the legal representative or heir of a deceased recipient, in accordance with the provisions of Section 12158 of this code.

SEC. 3. The provisions of this act shall be applicable to any warrants issued on or subsequent to July 1, 1970.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To conform with the changes made by Chapter 107 of the Statutes of 1969, which become operative on July 1, 1970, it is necessary that this act take effect immediately.

CHAPTER 1042

An act to amend Sections 14684, 14685, and 14686 of, and to add Sections 14684.1, 14684.2, and 14684.3 to, the Agricultural Code, relating to fertilizers.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14684 of the Agricultural Code is amended to read:

14684. Each registered person shall keep an accurate account of every sale of any commercial fertilizer, agricultural mineral, or both. The account shall be open at all times to inspection by the director.

SEC. 2. Section 14684.1 is added to the Agricultural Code, to read:

14684.1. When more than one person is involved in the distribution of either a commercial fertilizer or agricultural mineral, or both, the last person who has a registration and distributes to a nonregistrant is responsible for reporting the tonnage and paying the tonnage license tax, unless the report and payment have previously been made by a prior distributor of the commercial fertilizer or agricultural mineral.

SEC. 3. Section 14684.2 is added to the Agricultural Code, to read:

14684.2. The last registrant transacting, distributing or selling either a commercial fertilizer or agricultural mineral, or both, shall mail a report to the director within seven days (less legal holidays and Sunday) after the transaction is completed, if reporting by invoice or by the 20th of the following month if reporting by summary form approved by the di-

rector, showing the following information: (a) name and county of consignee, (b) the amounts in tons by grade of the commercial fertilizer or an analysis of the agricultural mineral with the amount in tons. Any information furnished the director under this chapter shall not be disclosed in such a way as to divulge the operation of any registrant.

SEC. 4. Section 14684.3 is added to the Agricultural Code, to read:

14684.3. A statement of sales shall be rendered by the director to each registrant quarterly within one calendar month after March 31, June 30, September 30 and December 31 of each year and a combined total of the fertilizing materials for each quarter. The director shall publish a quarterly commercial fertilizer and agricultural mineral tonnage report which shall include a report of tonnage by grade for commercial fertilizers and by analysis for agricultural mineral by county for all registrants.

SEC. 5. Section 14685 of the Agricultural Code is amended to read:

14685. The quarterly statement of sales provided by the director for each registrant shall include the amount of tonnage license tax due which is required by this article, which tax shall be paid to the director prior to the last day of the following month.

SEC. 6. Section 14686 of the Agricultural Code is amended to read:

14686. Failure to pay any tonnage license tax when due shall subject the registrant to the payment of a penalty of 10 percent of the amount which is due.

SEC. 7. This act shall become operative January 1, 1971.

CHAPTER 1043

An act to amend Section 39129 of, and to add Sections 24263.8, 24354.14, 39114, and 39392 to, the Health and Safety Code, relating to air pollution.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 24263.8 is added to the Health and Safety Code, to read:

24263.8. (a) If the evidence submitted at a public hearing indicates that in order to preserve the ambient air quality of the air pollution control district it is necessary that every 1955 through 1965 model year motor vehicle within the district be equipped with device or devices certified or accredited by the State Air Resources Board to control emission of pollutants from the crankcase and exhaust, the air pollution control board may adopt rules and regulations to require the installa-

tion of such devices. Installation of exhaust emission control devices shall not be required until one year has elapsed after the State Air Resources Board, pursuant to Section 39176, has determined that such devices are available for installation.

(b) The rules and regulations shall provide for a schedule of installation by which the motor vehicles are to be equipped with the emission control device, taking into consideration the number of motor vehicles to be equipped, the availability of such devices, and the availability of licensed installers to install such devices.

(c) The air pollution control board shall coordinate its activities pursuant to this section with the Department of the California Highway Patrol and the Department of Motor Vehicles in order to insure adoption of procedures which will facilitate enforcement of the rules and regulations adopted pursuant to this section.

(d) The air pollution control board may not adopt any rule or regulation pursuant to subdivision (a) if the air pollution control district is lying within a regional air pollution control district which has adopted rules and regulations pursuant to subdivision (a) of Section 24354.14 or 39392.

(e) In the case of the air pollution control district lying in more than one regional air pollution control district, the air pollution control board, notwithstanding subdivision (d), may adopt rules and regulations pursuant to subdivision (a) for that portion of the air pollution control district lying within a regional air pollution control district which has not adopted rules and regulations pursuant to subdivision (a) of Section 24354.14 or 39392.

SEC. 2. Section 24354.14 is added to the Health and Safety Code, to read:

24354.14. (a) If the evidence submitted at a public hearing indicates that in order to preserve the ambient air quality of the district it is necessary that every 1955 through 1965 model year motor vehicle within the district be equipped with device or devices certified or accredited by the State Air Resources Board to control emission of pollutants from the crankcase and exhaust, the board of directors of the district may adopt rules and regulations to require the installation of such devices. Installation of exhaust emission control devices shall not be required until one year has elapsed after the State Air Resources Board, pursuant to Section 39176, has determined that such devices are available for installation.

(b) The rules and regulations shall provide for a schedule of installation by which the motor vehicles are to be equipped with the emission control device, taking into consideration the number of motor vehicles to be equipped, the availability of such devices, and the availability of licensed installers to install such devices.

(c) The board shall coordinate its activities pursuant to this section with the Department of the California Highway Patrol and the Department of Motor Vehicles in order to in-

sure adoption of procedures which will facilitate enforcement of the rules and regulations adopted pursuant to this section.

SEC. 3. Section 39114 is added to the Health and Safety Code, to read:

39114. Whenever any motor vehicle is required to be equipped with any pollution control device by rules and regulations adopted by any district pursuant to Section 24263.8, 24354.14, or 39392, such motor vehicle shall be equipped with such pollution control device.

SEC. 4. Section 39392 is added to the Health and Safety Code, to read:

39392. (a) If the evidence submitted at a public hearing indicates that in order to preserve the ambient air quality of the regional district it is necessary that every 1955 through 1965 model year motor vehicle within the regional district be equipped with device or devices certified or accredited by the State Air Resources Board to control emission of pollutants from the crankcase and exhaust, the regional board may adopt rules and regulations to require the installation of such devices, notwithstanding subdivisions (f) and (i) of Section 39129. Installation of exhaust emission control devices shall not be required until one year has elapsed after the State Air Resources Board, pursuant to Section 39176, has determined that such devices are available for installation.

(b) The rules and regulations shall provide for a schedule of installation by which the motor vehicles are to be equipped with emission control device, taking into consideration the number of motor vehicles to be equipped, the availability of such devices, and the availability of licensed installers to install such devices.

(c) The regional board shall coordinate its activities pursuant to this section with the Department of the California Highway Patrol and the Department of Motor Vehicles in order to insure adoption of procedures which will facilitate enforcement of the rules and regulations adopted pursuant to this section.

SEC. 5. Section 39129 of the Health and Safety Code is amended to read:

39129. The following classifications of motor vehicles are subject to the provisions of this article:

(a) Every 1966 or later year model motor vehicle subject to registration in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(b) Every motor vehicle of 1963 or later year model, subject to registration in this state shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(c) Every motor vehicle of 1955 through 1962 year model subject to registration in this state upon either transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution con-

trol district which may function and exercise its powers, or upon registration of a vehicle previously registered outside this state to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers shall be equipped with a certified device to control the emission of pollutants from the crankcase.

(d) Every motor vehicle of 1955 through 1965 year model subject to registration in this state upon transfer of ownership and registration to an owner whose residence is in a county or portion of a county within an air pollution control district which may function and exercise its powers, shall be equipped with a certified device to control the emission of pollutants from the exhaust.

(e) The provisions of subdivisions (a), (b), (c), and (d) of this section shall not be applicable to any of the following vehicles:

(1) Any motor vehicle or class of motor vehicles exempted by the board.

(2) Any motor-driven cycle, implement of husbandry or vehicle which qualifies for special plates under Section 5004 of the Vehicle Code.

(f) The provisions of subdivisions (c) and (d) shall not be applicable in any district activated after July 1, 1959, so as to be able to perform its functions unless the board of supervisors of each county or the Board of Directors of the Bay Area Regional Air Pollution Control District in which the district is situated adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that district; nor shall the provisions of subdivisions (c) and (d) be applicable in any county situated within a multicounty district formed prior to July 1, 1959, which county is adjacent to a district activated prior to January 1, 1960, unless the board of supervisors in such county adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality within that county.

(g) Every 1968 year model passenger vehicle, except motorcycles, subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust. Notwithstanding any other provision of this section or of Article 5 (commencing with Section 39175) of this chapter, the board may only grant an exemption for not to exceed 1 percent of a manufacturer's passenger vehicle sales in California in the preceding model year.

(h) Every 1967 year model commercial motor vehicle under 6,001 pounds manufacturer's maximum gross vehicle weight rating subject to registration and first sold and registered in this state shall be equipped with a certified device or devices to control emission of pollutants from the crankcase and exhaust.

(i) The provisions of subdivisions (c) and (d) of this section shall not be applicable to motor vehicles registered to an owner whose residence is in an area, designated pursuant to this subdivision, of any county having an area in excess of 7,000 square miles in which an air pollution control district consisting of a single county may function and exercise its powers and within 60 days after the effective date of this section the board of supervisors of such county has classified the county into two areas because of substantial geographic and climatic differences between the two areas, and within 60 days after the effective date of this section the board of supervisors of the county has found that within one of such areas, designated by the board, the equipment of motor vehicles with devices to control the emission of pollutants is unnecessary for the preservation of air quality within that area.

(j) Notwithstanding any provision of subdivision (f), if after the effective date of this section subdivisions (c) and (d) are made applicable to a district or county in which subdivisions (c) and (d) are inapplicable under subdivision (f) on such effective date, subdivisions (c) and (d) shall not be applicable to any other district or county unless its governing board adopts a resolution based upon its finding that subdivisions (c) and (d) are necessary to the preservation of air quality in such other district or county, as the case may be.

SEC. 6. The State Air Resources Board shall submit a report on its findings and recommendations on the use of exhaust emission control devices to the Legislature within seven months after the date the board has determined that such devices are available for installation.

CHAPTER 1044

An act relating to mass public transportation.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Future widening of the existing roadway of Route 14 from a point near the proposed Palmdale Airport to Route 5 shall be designed by the Department of Public Works so as to reserve sufficient space for exclusive or preferential lane facilities for mass transit vehicles.

SEC. 2. The department shall conduct a study and report its findings to the Legislature prior to the fifth calendar day of the 1972 Regular Session of the Legislature concerning possible ways of handling the movement of people to and from and between the Los Angeles International Airport and the proposed airport at Palmdale. The study shall include a proposal for designating exclusive or preferential lanes for mass transit vehicles on the following highways:

(a) Route 14 from a point near the proposed Palmdale Airport to Route 5.

(b) Route 5 from Route 14 to Route 10 near Seventh Street in Los Angeles.

(c) Route 10 from Route 5 near Seventh Street in Los Angeles to Route 405.

(d) Route 405 from Route 10 to Century Boulevard in Los Angeles.

The study shall be coordinated with the comprehensive transportation planning in the Los Angeles area being conducted by the Transportation Association of Southern California within the general planning program of the Southern California Association of Governments. In conducting the study, the department shall also confer with the Southern California Rapid Transit District, the Los Angeles Department of Airports, Los Angeles County, the Department of the California Highway Patrol, and other interested federal, state, and local agencies.

SEC. 3. The department is hereby requested to seek federal funds for the purposes of this act.

SEC. 4. Nothing in this act shall preclude the department from constructing and operating, or permitting the construction and operation of, other forms of mass transit facilities over the routes described in this act or over any other routes in the state highway system.

CHAPTER 1045

An act to add Section 1283 to the Code of Civil Procedure, to amend and renumber Section 1283 of, and to amend Section 1283.1 of, the Code of Civil Procedure, as enacted by Chapter 581 of the Statutes of the 1970 Regular Session, relating to arbitration proceedings.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1283 is added to the Code of Civil Procedure, to read:

1283. On application of a party to the arbitration the neutral arbitrator may order the deposition of a witness to be taken for use as evidence and not for discovery if the witness cannot be compelled to attend the hearing or if such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at the hearing, to allow the deposition to be taken. The deposition shall be taken in the manner prescribed by law for the taking of depositions in civil actions. If the neutral arbitrator orders the taking of the deposition of a witness who resides outside the state, the

party who applied for the taking of the deposition shall obtain a commission therefor from the superior court in accordance with Sections 2024 to 2028, inclusive, of this code.

SEC. 2. Section 1283 of the Code of Civil Procedure, as enacted by Chapter 581 of the Statutes of the 1970 Regular Session of the Legislature, is amended and renumbered to read:

1283.05. To the extent provided in Section 1283.1 depositions may be taken and discovery obtained in arbitration proceedings as follows:

(a) After the appointment of the arbitrator or arbitrators, the parties to the arbitration shall have the right to take depositions and to obtain discovery regarding the subject matter of the arbitration, and, to that end, to use and exercise all of the same rights, remedies, and procedures, and be subject to all of the same duties, liabilities, and obligations in the arbitration with respect to the subject matter thereof, as provided in Chapter 2 (commencing with Section 1985) of, and Article 3 (commencing with Section 2016) of Chapter 3 of, Title 3 of Part 4 of this code, as if the subject matter of the arbitration were pending in a civil action before a superior court of this state, subject to the limitations as to depositions set forth in subdivision (e) of this section.

(b) The arbitrator or arbitrators themselves shall have power, in addition to the power of determining the merits of the arbitration, to enforce the rights, remedies, procedures, duties, liabilities, and obligations of discovery by the imposition of the same terms, conditions, consequences, liabilities, sanctions, and penalties as can be or may be imposed in like circumstances in a civil action by a superior court of this state under the provisions of this code, except the power to order the arrest or imprisonment of a person.

(c) The arbitrator or arbitrators may consider, determine, and make such orders imposing such terms, conditions, consequences, liabilities, sanctions, and penalties, whenever necessary or appropriate at any time or stage in the course of the arbitration, and such orders shall be as conclusive, final, and enforceable as an arbitration award on the merits, if the making of any such order that is equivalent to an award or correction of an award is subject to the same conditions, if any, as are applicable to the making of an award or correction of an award.

(d) For the purpose of enforcing the duty to make discovery, to produce evidence or information, including books and records, and to produce persons to testify at a deposition or at a hearing, and to impose terms, conditions, consequences, liabilities, sanctions, and penalties upon a party for violation of any such duty, such party shall be deemed to include every affiliate of such party as defined in this section. For such purpose:

(1) The personnel of every such affiliate shall be deemed to be the officers, directors, managing agents, agents, and em-

ployees of such party to the same degree as each of them, respectively, bears such status to such affiliate; and

(2) The files, books, and records of every such affiliate shall be deemed to be in the possession and control of, and capable of production by, such party. As used in this section, "affiliate" of the party to the arbitration means and includes any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee, or managing agent of such party or person.

(e) Depositions for discovery shall not be taken unless leave to do so is first granted by the arbitrator or arbitrators. Such leave shall not be granted unless it is impractical or impossible to obtain the attendance of the witness at a hearing, or it is grossly inconvenient, uneconomical, inefficient, or otherwise unjust to refuse such leave, having due regard to the importance of presenting the testimony orally at a hearing.

SEC. 3. Section 1283.1 of the Code of Civil Procedure, as enacted by Chapter 581 of the Statutes of the 1970 Regular Session of the Legislature, is amended to read:

1283.1. (a) All of the provisions of Section 1283.05 shall be conclusively deemed to be incorporated into, made a part of, and shall be applicable to, every agreement to arbitrate any dispute, controversy, or issue arising out of or resulting from any injury to, or death of, a person caused by the wrongful act or neglect of another.

(b) Only if the parties by their agreement so provide, may the provisions of Section 1283.05 be incorporated into, made a part of, or made applicable to, any other arbitration agreement.

CHAPTER 1046

An act to amend Section 1 of, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 to, Chapter 651 of the Statutes of 1929, relating to tidelands and submerged lands of the City of Los Angeles.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 651 of the Statutes of 1929 is amended to read:

Section 1. There is hereby granted to the City of Los Angeles, hereinafter called "city", a municipal corporation of the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide of the Pacific Ocean, within the present boundaries of the city, or of any harbor, estuary, bay or

inlet within said boundaries, except as hereinafter provided, to be forever held by the city, and by its successors, in trust for the uses and purposes, and upon the express conditions, following, to wit:

(a) That said lands shall be held by the city, and by its successors, for purposes in connection with, or for the promotion and accommodation of commerce, navigation and fishery, and in the case of such lands, other than those portions of the tidelands described in Section 138 of Article XI of the Charter of the City of Los Angeles, held for those purposes specified in Section 3 of this act and in accordance with the provisions of Sections 2 to 13, inclusive, of this act.

(b) The city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that the city, or its successors, may grant franchises and permits thereon for limited periods, in any event not to exceed 50 years, for purposes in connection with, or for the promotion and accommodation of commerce, navigation, fishery, and for any purpose specified in Section 3 of this act, and may lease said lands, or any part thereof, for limited periods, in any event not to exceed 50 years, for any and all purposes which shall not interfere with the trusts upon which said lands are held by the State of California;

(c) That said tide and submerged lands shall be improved by the city without expense to the state, and any harbor constructed thereon shall always remain a public harbor for all purposes of commerce and navigation, and the State of California shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed by the city on said lands, or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California;

(d) That in the management, conduct or operation of any such harbor, or of any of the utilities, structures or appliances constructed in connection therewith no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by the city, or by its successors;

Reserving, however, in the people of the State of California, the absolute right to fish in said waters, with the right of convenient access to said waters over said lands for said purposes. The grant herein made shall not include those tidelands or submerged lands within those certain areas known as the Westgate addition acquired by the City of Los Angeles by annexation on June 14, 1916, or the Santa Monica canyon addition acquired by the City of Los Angeles by annexation on April 28, 1925, or the Venice addition acquired by the City of Los Angeles by consolidation on November 25, 1925.

SEC. 2. Section 2 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 2. The city shall establish a separate tidelands trust fund or funds in such manner as may be approved by the Department of Finance and the city shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted tidelands in the city, other than those portions of the tidelands described in Section 138 of Article XI of the Charter of the City of Los Angeles. An annual statement of financial condition and operations, to conform with such requirements as the Department of Finance may prescribe, shall be submitted to the Department of Finance each year by the city on or before September 30th of each year for the preceding fiscal year.

SEC. 3. Section 3 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 3. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(c) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facili-

ties, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open-space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted tidelands or to encourage private investment in development of such granted tidelands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 4. Section 4 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 4. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 5. Section 5 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 5. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand

dollars (\$250,000) in the aggregate, the city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 3 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 6. Section 6 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 6. At the end of every third fiscal year, beginning June 30, 1972, that portion of the city tideland trust revenues derived from the granted tidelands, other than those portions described in Section 138 of Article XI of the Charter of the City of Los Angeles, in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tideland trust activities have been made, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital improvements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that if made after the effective date of this act they may be so considered only if made in accordance with Section 5 of this act.

The excess revenue, as determined pursuant to Section 5 of this act shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the trust fund and used for any purpose authorized by Section 3 of this act.

SEC. 7. Section 7 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 7. The State Lands Commission, at the request of the city, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 8. Section 8 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 8. In the event that the city fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 9. Section 9 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 9. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 10. Section 10 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 10. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 11. Section 11 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 11. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 12. Section 12 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 12. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the tidelands and submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the city during its holding of such lands.

SEC. 13. Section 13 is added to Chapter 651 of the Statutes of 1929, to read:

Sec. 13. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the superior court in the County of Los Angeles to declare that the grant under which the city holds such tidelands and submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law including, but not limited to, this act.

CHAPTER 1047

An act to add Sections 13723.05 and 13723.06 to the Education Code, relating to public school employment.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13723.05 is added to the Education Code, to read:

13723.05. Examinations shall be administered objectively and shall consist of at least two independent parts.

For classes of positions deemed by the commission to require an oral examination, the oral examination board shall include at least two members.

Unless specifically directed to evaluate candidates' technical knowledge and skills, the oral examination board shall confine itself to evaluating general fitness for employment in the class. When the oral examination board is directed to evaluate technical knowledge and skills, at least two members of the board shall be technically qualified in the specified occupational area. Members of the governing board or personnel commission shall not serve on an oral examination board. A district employee may serve on an oral examination board if he is not at the first or second level of supervision over a vacant position in the class for which the examination is held.

The personnel commission shall provide for the proceedings of all oral examinations to be electronically recorded. In no case will an oral examination board be provided with confidential references on employees of the district who are competing in promotional examinations. Scores achieved by the candidate on other parts of the examination shall not be made available to the oral examination board.

SEC. 2. Section 13723.06 is added to the Education Code, to read:

13723.06. Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the commission for a period of not less than 90 days after promulgation of an eligibility list. The commission shall prescribe procedures whereby candidates may review and protest any part of an examination. In promotional examinations for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held prior to regular appointment from the eligibility list. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, within reasonable time limits, be made available to a candidate or his representative.

CHAPTER 1048

An act to repeal Sections 27251 and 27252 of, to amend the heading of Article 3 (commencing with Section 27251) of Chapter 3 of Division 20 of, and to add Chapter 1.6 (commencing with Section 27150) to Division 20 of, the Education Code, relating to the Board of Library Examiners.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.6 (commencing with Section 27150) is added to Division 20 of the Education Code, to read:

CHAPTER 1.6. BOARD OF LIBRARY EXAMINERS

27150. There is in the state government a commission known as the Board of Library Examiners, consisting of the State Librarian, who is ex officio chairman of the board, the President of the California Library Association, the librarian of the public library of the City and County of San Francisco, and the librarian of the Los Angeles Public Library. The members of the board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the moneys appropriated for the support of the Division of Libraries.

27150.1. The board shall pass upon the qualifications of all persons desiring to become county librarians, maintain a register of all librarians who meet the qualifications prescribed by the board, and maintain a register of qualified library assistants. The board may, in writing, adopt rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this chapter.

SEC. 2. The heading of Article 3 (commencing with Section 27251) of Chapter 3 of Division 20 of the Education Code is amended to read:

Article 3. Government

SEC. 3. Section 27251 of the Education Code is repealed.

SEC. 4. Section 27252 of the Education Code is repealed.

CHAPTER 1049

*An act to amend Section 20165 of the Government Code,
relating to the Public Employees' Retirement System.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 20165 of the Government Code is amended to read:

20165. If more or less than the correct amount of contribution required of members, the state, or any contracting agency, is paid, proper adjustment shall be made in connection with subsequent payments, or such adjustments may be made by direct cash payments between the member, state, or contracting agency concerned and the board. Adjustments to correct any other errors in payments to or by the board, including adjustments of contributions, with interest, which are found to be erroneous as the result of corrections of dates of birth, may be made in the same manner. Adjustments to correct overpayment of a retirement allowance may also be made by adjusting the allowance so that the retired person or the retired person and his beneficiary, as the case may be, will receive the actuarial equivalent of the allowance to which the member is entitled. Losses or gains resulting from error in amounts within the limits set by the State Board of Control for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoff by the State Board of Control, shall be debited or credited, as the case may be, to the reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

No adjustment shall be made because less than the correct amount of normal contributions was paid by a member if, upon application of the member made within 90 days of discovery of the error by the system, the board finds that the error was not known to the member and was not the result of erroneous information provided by him to the system or to his employer and such failure to adjust will not preclude action under Section 20180 correcting the date upon which the person became a member.

CHAPTER 1050

An act to amend Sections 6493 and 6497 of the Education Code, relating to the teaching of disadvantaged children.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6493 of the Education Code is amended to read:

6493. The governing board of a school district, in its application, may request waiver of the provisions of any section or sections of this code for any compensatory education program if such waiver is necessary to establish and operate a program for low-income children. The need for a waiver shall be explained and justified in the application. The Superintendent of Public Instruction, at the discretion and upon recommendation of the Director of Compensatory Education, with the approval of the State Board of Education, may grant, in whole, or in part, any such request.

SEC. 2. Section 6497 of the Education Code is amended to read:

6497. No later than the fifth legislative day of each regular session of the Legislature, the Superintendent of Public Instruction, upon recommendation of the Director of Compensatory Education, with approval of the State Board of Education, shall submit a report to the Legislature on the implementation and evaluation of demonstration programs under this article, including the achievement of pupils, an analysis of the costs of each project detailed in terms of the costs of design, implementation and continuing operational expenses, including the degree of cost effectiveness of each project. The report shall also include recommendations concerning improvement, retention, extension or other aspects of the program.

The report shall also set forth the number of waivers authorized by the Superintendent of Public Instruction under Section 6493, the number of pupils who participated in programs for which waivers were granted, and whether or not the waivers had a positive effect upon the reading or mathematics skill of participating pupils.

CHAPTER 1051

An act to amend Section 8756 of, and to add Section 8756.5 to, the Government Code, relating to the California Arts Commission, and making an appropriation therefor.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8756 of the Government Code is amended to read:

8756. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including the power, but not limited to the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Government Code, Section 11370) necessary for proper execution of the powers and duties granted to and imposed upon the commission by this chapter.

(b) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To fix the salaries of the personnel employed pursuant to this section which salaries shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

(d) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(e) To request and obtain from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

(f) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties hereunder.

(g) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this chapter.

(h) To accept any gifts, donations, bequests, or grants of funds from private and public agencies for all or any of the purposes of this chapter.

SEC. 2. Section 8756.5 is added to the Government Code, to read:

8756.5. Any gift, donation, bequest or grant received pursuant to this chapter shall be deposited in the California Arts Commission Fund, which is hereby created in the State Treasury. The money in the California Arts Commission Fund is appropriated without regard to fiscal years, for purposes of this chapter. The commission may expend any money in the fund for participation in events related to the purposes of this chapter, and for any purpose related to the purposes of this chapter and specified in the gift, donation, bequest or grant. This section shall not apply to any federal funds, or funds from the State General Fund, which are received by the commission. Such funds shall continue to be appropriated through the budget act.

CHAPTER 1052

An act to amend Section 22861 of the Government Code, relating to the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 22861 of the Government Code is amended to read:

22861. An out-of-state employee eligible to enroll under this part shall be eligible to receive the benefits provided by this part otherwise than by this article, or in the alternative and at his election, made in accordance with such reasonable rules as the board may prescribe, may receive the benefits provided by this article.

CHAPTER 1053

An act to amend Sections 891 and 1860 of the Welfare and Institutions Code, relating to minors.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 891 of the Welfare and Institutions Code is amended to read:

891. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of juvenile homes, juvenile ranch camps, or forestry camps established after July 1, 1957, and for construction at existing juvenile homes, ranches, camps, or forestry camps, by counties which apply therefor.

(b) "Construction," as used in this section, includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings; and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a juvenile home or to serve the purposes of a juvenile ranch camp or forestry camp, and initial equipment thereof. "Construction" also includes payments made by a county under any lease-purchase agreement or similar arrangement authorized by law. It does not include architects' fees or the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority, and, in no event shall it exceed three thousand dollars (\$3,000) per bed unit of the new juvenile home, juvenile ranch, camp, or forestry camp or per

bed unit added to an existing juvenile home, juvenile ranch camp, or forestry camp, as the case may be. The construction project shall be deemed to have as many bed units as the number of persons it is designed to accommodate, not exceeding 100-bed units for any one project.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

SFC 2. Section 1860 of the Welfare and Institutions Code is amended to read:

1860. (a) From any state moneys made available to it for that purpose, the Youth Authority shall share in the cost pursuant to this article of the construction of youth correctional centers established by counties which apply therefor.

(b) "Construction" as used in this section includes construction of new buildings and acquisition of existing buildings and initial equipment of any such buildings, and, to the extent provided for in regulations adopted by the Department of the Youth Authority, remodeling of existing buildings owned by the county, to serve as a youth correctional center, and initial equipment thereof. "Construction" also includes payments made by a county under any lease-purchase agreement or similar arrangement authorized by law. It does not include architects' fees or the cost of land acquisition.

(c) The amount of state assistance which shall be provided to any county shall not exceed 50 percent of the project cost approved by the Youth Authority and in no event shall it exceed three thousand dollars (\$3,000) per offender the program is designed to accommodate.

(d) Application for state assistance for construction funds under this article shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority, and the Youth Authority shall prescribe the time and manner of payment of state assistance, if granted.

CHAPTER 1054

An act to add Section 13651.7 to the Education Code, relating to leaves of absence for classified school employees.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13651.7 is added to the Education Code, to read:

13651.7. (a) Every public school employer shall grant to regular classified employees an annual vacation at the regular rate of pay earned at the time the vacation is commenced. Such

vacation shall be as determined by the public school employer, but not less than five-sixths of a day for each month in which the employee is in a paid status for more than one-half the working days in the month, provided the employee is regularly employed five days per week seven to eight hours a day. An employee in a paid status for less than one-half the working days in a month shall have his vacation credit accrued on the basis provided for in subdivision (b) or (c).

(b) In lieu of accrual of vacation credit on a monthly basis and proration as prescribed in subdivision (a), a district may provide for accrual of vacation credit on any of the following bases:

(1) For all employees or classes of employees who work a full workweek of 40 hours the district shall provide .03846 hours of vacation credit for each hour of paid service, not including overtime.

(2) For all employees or classes of employees who work a full workweek of 37.5 hours the district shall provide .04087 hours of vacation credit for each hour of paid service, not including overtime.

(3) For all employees or classes of employees who work a full workweek of 35 hours the district shall provide .04379 hours of vacation credit for each hour of paid service, not including overtime.

(c) For all employees regularly employed for fewer than 35 hours a week, regardless of the number of hours or days worked per week, the vacation credit shall be computed at the rate of .03846 for each hour the employee is in paid status, not including overtime.

(d) Vacation may, with the approval of the employer, be taken at any time during the school year. If the employee is not permitted to take his full annual vacation, the amount not taken shall accumulate for use in the next year or be paid for in cash at the option of the governing board.

(e) Earned vacation shall not become a vested right until completion of the initial six months of employment.

(f) The employee may be granted vacation during the school year even though not earned at the time the vacation is taken.

(g) If an employee is terminated and had been granted vacation which was not yet earned at the time of termination of his services, the employer shall deduct from the employee's severance check the full amount of salary which was paid for such unearned days of vacation taken.

(h) Upon separation from service, the employee shall be entitled to lump-sum compensation for all earned and unused vacation, except that employees who have not completed six months of employment in regular status shall not be entitled to such compensation.

(i) This section shall not apply to substitute, short-term, or limited-term employees, as they are defined in Sections 13581 and 13726, unless such employees are specifically included by the public school employer.

(j) The public school employer may expand the benefits provided for in this section.

(k) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

CHAPTER 1055

An act to amend Sections 25457, 25457.2, and 25457.3, to amend and renumber Section 25457.8 of, and to add Sections 25454.5, 25457.21, 25457.22, and 25457.23 to, the Education Code, relating to community college districts.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 25454.5 is added to the Education Code, to read:

25454.5. All community college district organization or reorganization proposals, by whatever procedure, shall be submitted to the Board of Governors of the California Community Colleges for approval.

SEC. 2. Section 25457 of the Education Code is amended to read:

25457. The Legislature hereby declares as its policy that all of the territory of the state shall be included in community college districts.

SEC. 3. Section 25457.2 of the Education Code is amended to read:

25457.2. On or before September 15, 1973, the county committee on school district organization of each county shall submit to the Board of Governors of the California Community Colleges approvable plans and recommendations for the inclusion of all of the territory of the county in one or more community college districts or for the annexation to existing community college districts of territory not a part of any community college district. Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing community college district which maintains not more than two community colleges, an agreement to the annexation by the community college board shall not be required.

Plans and recommendations which are not approved by the board of governors shall be returned to the county committee on school district organization for revision and resubmission to the office of the Chancellor of the California Community Colleges.

SEC. 4. Section 25457.21 is added to the Education Code, to read:

25457.21. If the board of governors does not approve all or any part of a plan submitted by a county committee, the board shall so notify the committee, setting forth the reasons for not approving and the nature of additional data or study which it deems necessary. The county committee shall thereupon reconsider the matter and resubmit the plan within six months from the date of notice from the board of governors.

SEC. 5. Section 25457.22 is added to the Education Code, to read:

25457.22. The board of governors may approve all or any portion of a plan submitted by a county committee. When the board of governors approves all or part of a plan, it shall notify the county superintendent of schools and the county board of supervisors of the county or counties involved.

SEC. 6. Section 25457.23 is added to the Education Code, to read:

25457.23. Elections to carry out the proposals of a plan approved by the board of governors shall be called and conducted by the county superintendent of schools of the county in which all or the greater portion of the area is situated at the time the plan is recommended by the county committee and shall be held pursuant to the provisions of Section 3294, but in any event within one year after date of notification of original approval or by September 15, 1975, whichever is earlier.

SEC. 7. Section 25457.3 of the Education Code is amended to read:

25457.3. Notwithstanding the provision of Section 25457.2, the Board of Governors of the California Community Colleges may grant an extension of time for submitting plans and recommendations upon request of the county committee on school district organization and the executive officer of the board of governors. Such time extension shall expire on or before March 15, 1974.

The Board of Governors of the California Community Colleges may grant a further extension of time for the submitting of plans and recommendations where such submission is its responsibility. Such extension shall not extend beyond September 15, 1974.

SEC. 8. Section 25457.8 of the Education Code is amended and renumbered to read:

25457.4. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.2, except when an extension of time has been given under the provisions of Section 25457.3 and this section, the office of the Chancellor of the California Community Colleges shall prepare a plan or plans and submit them to the Board of Governors of the California Community Colleges on or before September 15, 1974, for its approval. If an extension of time has been given under the provisions of Section 25457.3 and this section, and the county committee fails to submit a plan, the Chancellor of the California Community Colleges shall prepare a plan or plans and submit them to the

Board of Governors of the California Community Colleges within one year from the date of expiration of such extension for its approval.

When submitting of plans and recommendations for a territory has become the responsibility of the Chancellor of the California Community Colleges, and such territory may be affected by a study of the feasibility of an interstate junior college district, the board of governors may grant an extension of time for the preparation of plans and recommendations. Such extension shall not extend beyond September 15, 1973.

Elections shall be conducted prior to September 15, 1975, on all organization plans pursuant to Section 25457.23. If at the end of the above procedures, any territory of the state is not included in a community college district, the board of governors shall adopt a resolution placing such territory in one or more community college districts, and shall notify the proper boards of supervisors to make the necessary orders and shall inform all other agencies concerned of its actions. Such resolution shall be adopted by the board of governors on or before September 15, 1975, and the required notices sent by registered mail to be received not later than December 1, 1975, by all agencies.

CHAPTER 1056

An act to add Chapter 2.5 (commencing with Section 9775) to Division 8 of the Education Code, relating to education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 9775) is added to Division 8 of the Education Code, to read:

CHAPTER 2.5. READING STUDY ACT OF 1970

Article 1. General Provisions

9775. This chapter shall be known and may be cited as the "Reading Study Act of 1970."

It is the intent and purpose of the Legislature in enacting this chapter to examine the effectiveness of instruction with phonic textbooks as compared to other standard reading textbooks and to analyze the effects of increasing time devoted to reading instruction, in its research in California schools for the improvement of reading instruction.

Article 2. Project

9778. The Superintendent of Public Instruction shall select two school districts which are willing to participate in this study and are so geographically situated as to have one district north of the Tehachapis and one district south of the Tehachapis. The Superintendent of Public Instruction shall to the extent possible insure that school districts selected are as comparable as possible regarding their expenditures per child and instructional staffing ratios, including the use of teacher aides, so that the impact of different reading texts and lengths of instruction time on pupil achievement can be accurately assessed.

The school districts selected pursuant to this article shall have:

- (a) Pupils representative of majority and at least two minority groups; and
- (b) Teachers trained, or willing to be trained, in methods of instruction to be tested; and
- (c) Pupils within grades 1, 2, and 3 who achieve less than the state reading norm.

9779. The Reading Study Act program shall include the following provisions:

- (a) A minimum of two classes in each of grades 1, 2, and 3, using heavily phonics-oriented state textbooks, restricting the time per day devoted to no more than regularly allotted for reading instruction.
- (b) A minimum of two classes in each of grades 1, 2, and 3, using heavily phonics-oriented state textbooks, which devote one hour more than the regularly allotted time per day for reading instruction.
- (c) Two control classes in each of grades 1, 2, and 3, within the same school or a school within the same district with a similar socioeconomic composition, using the state textbook which has been made available for the use of the majority of pupils and devoting the time, not to exceed the time, regularly allotted for reading instruction.
- (d) Two classes in each of grades 1, 2, and 3, with one hour increased reading time per day using the state textbook which is provided for the majority of pupils.
- (e) State tests of reading skills, to compare achievement, in addition to any other test which may be recommended by the Superintendent of Public Instruction. Alternate forms of the state's tests to be used for pretest purposes.
- (f) The amount of time devoted to instructional materials correlated to the particular textbook being studied held constant in the various classes.
- (g) Research design, in-service education and supervision of classes to insure achievement of design, and report administered by the Superintendent of Public Instruction with the cooperation of the local school districts.

Article 3. Administration

9781. The program shall commence with the fall term of the 1970 school year and continue through the spring term of the 1972 school year. The Superintendent of Public Instruction shall be responsible for administering this program out of funds available to him. The Superintendent of Public Instruction shall waive any regulation with respect to the distribution of state textbooks in order to make the textbooks, needed in this study, available for each pupil in each class intended for the study.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The purpose of this program is to determine as quickly as practicable, the beneficial effects to be derived from such programs, so that it may be expanded to include other districts and enable the pupils to learn more readily by having the ability to read at an earlier stage in the education process. In order that the program provided for by this act may be put into operation at the commencement of the 1970-1971 school year, and in order that all preliminary administrative steps may be completed to that end, it is essential that this act take effect immediately.

CHAPTER 1057

An act to amend Sections 12028 and 12032 of the Penal Code, relating to weapons.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 12028 of the Penal Code is amended to read:

12028. (a) The unlawful concealed carrying upon the person or within the vehicle of the carrier of any of the weapons mentioned in Section 653k, 12020, or 12025 is a nuisance.

(b) A firearm of any nature used in the commission of a felony, or an attempt to commit a felony, is, upon a conviction of the defendant, a nuisance.

(c) Whenever a felony charge is reduced to a misdemeanor charge and a conviction is obtained based upon the unlawful use of a firearm, the weapon is a nuisance and shall be subject to disposition as provided in this section.

(d) Any weapon described in subdivision (a), or, upon conviction of defendant, any weapon described in subdivision (b), shall be surrendered to the magistrate before whom the person

is taken, except that in any city or county the weapons shall be surrendered to the head of the police or sheriff's department. The officers to whom the weapons are surrendered, except upon the certificate of a judge of a court of record, or of the district attorney of the county, that the retention thereof is necessary or proper to the ends of justice, may annually, between the 1st and 10th days of July, in each year, offer the weapons, which the officers in charge of them consider to have value with respect to sporting, recreational, or collection purposes, for sale at public auction to persons licensed under federal law to engage in businesses involving any weapon purchased. If any weapon has been stolen and is thereafter recovered from the thief or his transferee, it shall not be so offered for sale but shall be restored to the lawful owner, as soon as its use as evidence has been served, upon his identification of the weapon and proof of ownership.

(e) If, under this section, a weapon is not of the type that can be sold to the public, generally, or is not sold pursuant to subdivision (d), the weapon shall, between the 1st and 10th days of July, next succeeding, be destroyed so that it can no longer be used as such weapon.

SEC. 2. Section 12032 of the Penal Code is amended to read:

12032. Notwithstanding any provision of law or of any local ordinance to the contrary, when any firearm is in the possession of any officer of the state, or of a county, city and county or city, and such firearm is otherwise subject to sale as unclaimed property, abandoned property or as an exhibit filed in any criminal action or proceeding, the firearm shall be sold, or destroyed, as provided for in Section 12028, with respect to firearms which were exhibits in criminal actions or proceedings and which are not subject to the provisions of Section 12028 or 12033 and with respect to firearms which are unclaimed or abandoned property.

However, weapons which are exhibits filed in any criminal action or proceeding shall, if not subject to sale, be destroyed during the annual period provided for in Section 12028 only after they are no longer needed as exhibits, and any such weapon which is unclaimed property may be destroyed only if it has been in the possession of the officer at least 180 days.

This section shall not apply to any firearm in the possession of the Department of Fish and Game or which was used in the violation of any provision of law, or regulation thereunder, in the Fish and Game Code.

CHAPTER 1058

An act to amend Sections 2843, 4502 and 4507 of the Business and Professions Code, relating to psychiatric technicians.

The people of the State of California do enact as follows:

SECTION 1. Section 2843 of the Business and Professions Code is amended to read:

2843. Members of the board shall be appointed by the Governor for a term of four years. The terms of the members of the board first appointed under this chapter shall expire as follows: the two practical nurses who are qualified to meet the requirements for a license under this chapter, on January 15, 1952; two on January 15, 1953; two on January 15, 1954; two on January 15, 1955. Vacancies occurring shall be filled by appointment for the unexpired term in the manner hereinabove provided.

A vacancy is hereby created on the effective date of the 1957 amendment of this section in the term of the public health nurse, and the Governor shall within 90 days thereafter fill the vacancy so created and the two new positions by the appointment of three duly licensed vocational nurses who have been licensed for a period of three years prior to appointment. One of the nurses so appointed shall serve for the balance of the term of the public health nurse member; one for a term to expire on January 15, 1960; and one for a term to expire on January 15, 1961.

The Governor shall, on or before January 1, 1964, appoint the two certified psychiatric technicians to the board. Their terms shall expire January 15, 1967. Thereafter all appointments of certified psychiatric technicians shall be for a term of four years, and vacancies shall be filled by appointment for the unexpired term.

Notwithstanding this section or Section 130, the Governor shall appoint a psychiatric technician to fill a vacancy created by the expiration of the term of office of a psychiatric technician member occurring on January 15, 1971, to a term of office expiring on June 1, 1972. Thereafter appointments to such office shall be for a term of four years expiring on June 1st.

Sec. 2. Section 4502 of the Business and Professions Code is amended to read:

4502. As used in this chapter, "psychiatric technician" means any person who, for compensation or personal profit, implements procedures and techniques which involve understanding of cause and effect and which are used in the care, treatment, and rehabilitation of mentally ill, emotionally disturbed, or mentally retarded persons and who has one or more of the following:

(a) Direct responsibility for administering or implementing specific therapeutic procedures, techniques, treatments, or medications with the aim of enabling recipients or patients to make optimal use of their therapeutic regime, their social and personal resources, and their residential care.

(b) Direct responsibility for the application of interpersonal and technical skills in the observation and recognition of symptoms and reactions of recipients or patients, for the accurate recording of such symptoms and reactions, and for the carrying out of treatments and medications as prescribed by a licensed physician and surgeon or a psychiatrist.

The psychiatric technician in the performance of such procedures and techniques is responsible to the director of the service in which his duties are performed. The director may be a licensed physician and surgeon, psychiatrist, psychologist, rehabilitation therapist, social worker, registered nurse, or other professional personnel.

Nothing herein shall authorize a licensed psychiatric technician to practice medicine or surgery or to undertake the prevention, treatment or cure of disease, pain, injury, deformity, or mental or physical condition in violation of the law.

SEC. 3. Section 4507 of the Business and Professions Code is amended to read:

4507. This chapter shall not apply to the following:

(a) Physicians and surgeons licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2.

(b) Psychologists licensed pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2.

(c) Registered nurses licensed pursuant to Chapter 6 (commencing with Section 2700) of Division 2.

(d) Vocational nurses licensed pursuant to Chapter 6.5 (commencing with Section 2840) of Division 2.

(e) Social workers or clinical social workers licensed pursuant to Chapter 17 (commencing with Section 9000) of Division 3.

(f) Marriage, family, and child counselors licensed pursuant to Chapter 4 (commencing with Section 17800) of Division 7.

CHAPTER 1059

An act to add Section 20930.2 to the Government Code, relating to the Public Employees' Retirement System.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 20930.2 is added to the Government Code, to read:

20930.2. "Public service" also means time during which a state employee was absent from state service on war relocation leave; provided, however, that any member electing to receive credit for such public service shall in addition to other contributions required by this article contribute an amount equal to the contributions which would have been made on his behalf by the state had he been in membership during such employ-

ment, assuming that the state rate of contribution in effect at the time of election had been in effect during such employment.

"War relocation leave" means the period of absence from state service occasioned by the evacuation and relocation of a member pursuant to orders issued by the commanding officer of the Western Defense Command in March 1942, for the evacuation of persons of Japanese descent from such area, where the member was in state service on March 5, 1942, and who later returned to state service. War relocation leave of a member shall include the period of time from the separation of a member from state service until his return to state service or July 1, 1947, whichever is earlier.

CHAPTER 1060

An act to add Sections 58942 and 58943 to the Agricultural Code, relating to marketing orders.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 58942 is added to the Agricultural Code, to read:

58942. A marketing order affecting dried fruits, raisins, or nuts, if approved pursuant to Section 58992 by handlers affected, or approved pursuant to Section 58993 by producers affected, may authorize an allowance to a handler of credit for advertising or promotion of a private brand or trade name, irrespective of the provisions of Section 58889, if such advertising or promotion is in accordance with a plan adopted by the advisory board administering the marketing order for the commodity covered.

SEC. 2. Section 58943 is added to the Agricultural Code, to read:

58943. A marketing order affecting dried fruits, raisins, or nuts, may authorize an allowance to a handler of credit for advertising or promotion of the commodities covered by the marketing order; however, no such allowance shall:

(a) Exceed 50 percent of the amount payable by such handler for his own account for any assessment established by the director for advertising and promotion.

(b) Reduce the handler's advertising rate of assessment of any marketing order which is in effect on the effective date of this section or reduce such assessment rate to an amount which is less than the average assessment income derived from handlers realized by such marketing order for the three marketing seasons immediately preceding the effective date of the approval of this section in a marketing order

SEC. 3. The provisions of this act shall continue in effect until the 91st day following final adjournment of the 1972 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 1061

An act to amend Section 108.5 of the Business and Professions Code, to amend Sections 68093, 68094, 68095 and 68096 of the Government Code, to amend Section 12975.5 of the Insurance Code, and to amend Section 1329 of the Penal Code, relating to witness fees and mileage.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 108.5 of the Business and Professions Code is amended to read:

108.5. In any investigation, proceeding or hearing which any board, commission or officer in the department is empowered to institute, conduct, or hold, any witness appearing at such investigation, proceeding or hearing whether upon a subpoena or voluntarily, may be paid the sum of twelve dollars (\$12) per day for every day in actual attendance at such investigation, proceeding or hearing and for his actual, necessary and reasonable expenses and such sums shall be a legal charge against the funds of the respective board, commission or officer; provided further, that no witness appearing other than at the instance of the board, commission or officer may be compensated out of such fund.

The board, commission or officer will determine the sums due any such witness and enter the amount on its minutes.

SEC. 2. Section 68093 of the Government Code is amended to read:

68093. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend upon the superior court, are twelve dollars (\$12) a day and mileage actually traveled, one way only, twenty cents (\$0.20) a mile. In criminal cases such per diem and mileage are discretionary and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 3. Section 68094 of the Government Code is amended to read:

68094. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend before a grand jury, are twelve dollars (\$12) a day and mileage for each mile actually traveled in attendance as such witness, one way only twenty cents (\$0.20). Such per diem and mileage are discretionary and shall only be allowed upon a showing that the allowances are necessary for the expenses

of the witness in attending. The court may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 4. Section 68095 of the Government Code is amended to read:

68095. Except as otherwise provided by law, witness' fees for each day's actual attendance, when legally required to attend, or if the witness attends voluntarily and is called to testify, before a coroner's jury, are twelve dollars (\$12) a day and mileage for each mile actually traveled in attendance as a witness, one way only, twenty cents (\$.20). Such per diem and mileage shall be a county charge.

SEC. 5. Section 68096 of the Government Code is amended to read:

68096. Except as otherwise provided by law, witness' fees for each day's attendance upon a justice court, when legally required to attend, are twelve dollars (\$12) a day and mileage for each mile actually traveled, in going only, twenty cents (\$.20). In criminal cases such per diem and mileage shall be a county charge, shall be discretionary with the court, and shall only be allowed upon a showing that the allowances are necessary for the expenses of the witness in attending. The court may disallow any fees to a witness unnecessarily subpoenaed.

SEC. 6. Section 12975.5 of the Insurance Code is amended to read:

12975.5. The commissioner may in any investigation or hearing conducted by him take or cause to be taken the deposition of any witness residing within or without this state and may pay the expense thereof out of the Insurance Fund. He may pay out of the Insurance Fund to any witness subpoenaed by him the necessary and reasonable traveling expenses of any such witness, to the place of hearing or investigation and return and a per diem of twelve dollars (\$12) for each day that such witness is in attendance at or en route to and from such place of hearing or investigation in obedience to such subpoena. The provisions of this section shall not apply to proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, such proceedings to be governed solely by said chapter.

SEC. 7. Section 1329 of the Penal Code is amended to read:

1329. When a person attends before a magistrate, grand jury, or court, as a witness in a criminal case, whether upon a subpoena or in pursuance of an undertaking, or voluntarily, the court, at its discretion, if the attendance of the witness be upon a trial may by an order upon its minutes, or in any criminal proceeding, by a written order, direct the county auditor to draw his warrant upon the county treasurer in favor of such witness for witness' fees at the rate of twelve dollars (\$12) for each day's actual attendance and for a reasonable sum to be specified in the order for the necessary expenses of such

witness. The court, in its discretion, may make an allowance under this section, or under Chapter 1 (commencing with Section 68070), Title 8, of the Government Code, as it may deem appropriate. The allowances are county charges.

CHAPTER 1062

An act to amend Sections 2630, 2636, 2640, and 2641 of, and to add Sections 2615.5 and 2642 to, the Labor Code, relating to the Employee Housing Act.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2615.5 is added to the Labor Code, to read:

2615.5. "Enforcement agency" means the Department of Housing and Community Development, or any city, county, or city and county which has assumed responsibility for the enforcement of this part, pursuant to Section 2640.

SEC. 2. Section 2630 of the Labor Code is amended to read:

2630. There is hereby established the State Roster of Labor Camps in the custody of the Department of Housing and Community Development. Every owner or operator of a labor camp shall register such labor camp with the enforcement agency not less than 15 days prior to occupancy in each calendar year. The enforcement agency shall forward a copy of each registration to the department for inclusion in the roster.

Registration or reregistration shall be on forms supplied by the enforcement agency and shall contain the following information:

- (a) The name and address of the camp owner and operator.
- (b) The location of the camp.
- (c) A complete description of the facilities comprising the camp.
- (d) Number of occupants to be housed.

Any change in the foregoing information applicable to a registered camp shall require reregistration of such camp.

The commission may establish a schedule of registration fees to pay the cost of the inspection program as outlined in Section 2642. Said registration fees shall be established on a graduating scale based on the number of occupants housed and in no event shall exceed one hundred dollars (\$100) per camp.

SEC. 3. Section 2636 of the Labor Code is amended to read:

2636. Except as provided in Sections 2611 and 2628, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall be consistent with accepted standards and practices reasonably applicable to per-

manent, temporary and seasonal labor camps and the utilization of portable or temporary housing or camping facilities. In promulgating rules and regulations, the commission shall consider, among other things, geographic, topographic, and climatic conditions. The commission may establish a schedule of fees for the construction and operation of labor camps wherever the department is the enforcing agency.

SEC. 4. Section 2640 of the Labor Code is amended to read:

2640. The Commission of Housing and Community Development may promulgate rules and regulations to interpret and make specific the provisions of this chapter and when adopted such rules and regulations shall apply to all parts of the state. Upon written notice to the Department of Housing and Community Development, any city, county, or city and county may assume the responsibility for the enforcement of this chapter and may, by ordinance, establish a schedule of fees for the construction and operation of labor camps not to exceed that which is established by the commission.

In the event of nonenforcement of this chapter, or the rules and regulations promulgated pursuant thereto, the provisions of this chapter and the rules and regulations promulgated thereunder shall be enforced by the department in any such city, county, or city and county after the department has given written notice to the governing body of such city, county, or city and county of a violation of this part or the rules and regulations promulgated thereunder and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

The department shall be sole judge as to whether the local enforcement agency is properly enforcing this chapter. The local enforcement agency shall have the right to appeal such decision to the commission.

The enforcement agency may:

(a) Enter public or private properties to determine whether there exists any labor camp to which this chapter applies.

(b) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(c) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this chapter have been or are being complied with.

SEC. 5. Section 2641 of the Labor Code is amended to read:

2641. For the purpose of securing compliance with this chapter the officers and agents of the enforcement agency may serve any process or notice throughout its jurisdiction.

SEC. 6. Section 2642 is added to the Labor Code, to read:

2642. The enforcement agency shall annually enter and inspect all labor camps, and all accommodations, equipment, or paraphernalia connected therewith and shall make such re-inspection as deemed necessary to assure compliance with the provisions of this part and the regulations adopted pursuant thereto.

CHAPTER 1063

An act to add Section 431 to the Revenue and Taxation Code, relating to the assessment of open space lands.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 431 is added to the Revenue and Taxation Code, to read:

431. There shall be a rebuttable presumption that the present use of open land subject to an enforceable restriction and devoted to agricultural use is its highest and best agricultural use.

SEC. 2. The provisions of this act shall apply to the 1971-1972 assessment year and assessment years thereafter.

CHAPTER 1064

An act to amend Sections 1241 and 1300 of the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1241 of the Business and Professions Code is amended to read:

1241. This chapter applies to all clinical laboratories in California except those owned and operated by:

(a) The United States of America, or any department, agency, or official thereof in his official capacity.

(b) An individual licensed physician and surgeon for laboratory work performed on his own patients. After January 1, 1972 this exemption shall apply to such laboratories only if all of the following requirements are complied with:

(1) The laboratory activities do not include more than the following and such other tests as specified by regulation of the board: routine urinalysis, blood counts (white count and differential), sedimentation rate, blood urea nitrogen, hemoglobin, hematocrit, heterophile antibody, pregnancy test, glucose and microscopic examination of smears of body fluids or exudates; and

(2) Persons employed by physicians, operating such laboratories, to perform tests for blood glucose, blood urea nitrogen or hemoglobin or such other tests as specified by regulations of the board, demonstrate satisfactory performance in a proficiency testing program approved by the board. The board shall establish by regulation the standards of satisfactory per-

formance, providing that these standards shall not be higher than those established for laboratories licensed under this chapter.

In determining which tests may be added, the board shall obtain documented evidence indicating that such tests may be adequately performed by persons with minimal training.

If direct or indirect referred work is received from any source, all provisions of this chapter shall apply.

(c) An academic institution accredited by an accrediting agency approved by the department when clinical laboratory procedures are performed for teaching or research purposes only, provided that the results of any examinations performed in such laboratories are not used in the diagnosis or treatment of disease.

SEC. 2. Section 1300 of the Business and Professions Code is amended to read:

1300. The amount of application and license fee under this chapter shall be as follows:

(a) The application fee for a clinical laboratory bioanalyst's, clinical chemist's, or clinical microbiologist's license is twenty-five dollars (\$25).

(b) The annual renewal fee for a clinical laboratory bioanalyst's, clinical chemist's, or clinical microbiologist's license shall be fixed by the board at an amount not to exceed twenty-five dollars (\$25).

(c) The application fee for a clinical laboratory technologist's or limited technologist's license is fifteen dollars (\$15).

(d) The annual renewal fee for a clinical laboratory technologist's or limited technologist's license shall be fixed by the board at an amount not to exceed ten dollars (\$10).

(e) The application fee for a clinical laboratory license is one hundred dollars (\$100); provided, however, that when the applicant is the state or any agency or official thereof, or a district, city, county or city and county, or an official thereof, no fee shall be required.

(f) The annual renewal fee for a clinical laboratory license shall be fixed by the board at an amount not to exceed one hundred dollars (\$100); provided, however, that when the applicant is the state or any agency or official thereof, or a district, city, county, or city and county, or official thereof, no fee shall be required.

(g) The application fee for a trainee's license is five dollars (\$5).

(h) The annual renewal fee for a trainee's license is three dollars (\$3).

(i) The application fee for a duplicate license is two dollars (\$2).

(j) The delinquency fee is ten dollars (\$10).

CHAPTER 1065

An act to add Sections 1207 and 1208 to, and to amend Section 1264 of, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1207 is added to the Business and Professions Code, to read:

1207. As used in this chapter, "clinical chemist" or "clinical microbiologist," as defined by the board, means any person licensed to engage in the work and supervision of clinical laboratory activities limited to his area of specialization or to engage in the work and direction of a laboratory providing service only within the area of specialization covered by his license.

SEC. 2. Section 1208 is added to the Business and Professions Code, to read:

1208. For the purposes of this chapter, the board shall define those fields included in each specialty and limited area for which a license is issued.

SEC. 3. Section 1264 of the Business and Professions Code is amended to read:

1264. The department shall issue a clinical chemist or clinical microbiologist license to each person who has applied for the license on forms provided by the department, who is a lawful holder of a master of science or doctoral degree in the specialty for which the applicant is seeking a license or who has met such additional reasonable qualifications of training, education, and experience as the board may establish by regulations.

Such graduate education shall have included 30 semester hours of coursework in the applicant's specialty. Applicants possessing only a master of science degree shall have the equivalent of one year of full-time, directed study or training in procedures and principles involved in the development, modification or evaluation of laboratory methods, including training in complex methods applicable to diagnostic laboratory work. Each applicant must have had one year of training in his specialty in a clinical laboratory acceptable to the department and three years of experience in his specialty in a clinical laboratory, two years of which must have been at a supervisory level. The education shall have been obtained in one or more established and reputable institutions maintaining standards equivalent, as determined by the department, to those institutions accredited by an agency acceptable to the department. The department shall determine by examination that the applicant is properly qualified. Examinations, training, or ex-

perience requirements for specialty licenses shall cover only the specialty concerned.

The department may issue licenses without examination to applicants who have passed examinations of other states or national accrediting boards whose requirements are equal to or greater than those required by this chapter and regulations established by the board. The evaluation of other state requirements or requirements of national accrediting boards shall be carried out by the department with the assistance of representatives from the licensed groups. This section shall not apply to persons who have passed an examination by another state or national accrediting board prior to the establishment of requirements that are equal to or exceed those of this chapter or regulations of the board.

CHAPTER 1066

An act to amend Sections 1204, 1205, 1261, 1262, and 1263 of, and to add Sections 1207, 1208, 1269, and 1270 to, the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1204 of the Business and Professions Code is amended to read:

1204. As used in this chapter, "clinical laboratory technologist" means any person other than a licensed clinical laboratory bioanalyst or trainee who is licensed under this chapter to perform the procedures in one or more of the sciences called for in a clinical laboratory under the direction of a person authorized to direct a laboratory under the provisions of this chapter.

SEC. 2. Section 1205 of the Business and Professions Code is amended to read:

1205. As used in this chapter, "trainee" means any person licensed under this chapter for the purpose of receiving comprehensive practical experience and instruction in clinical laboratory procedures in one of the sciences or in general clinical laboratory technology under the direct and responsible supervision of a person authorized to direct a laboratory under the provisions of this chapter, clinical laboratory technologist, clinical chemist technologist, clinical microbiologist technologist, or other equivalent licensee in the science for which he is licensed in a clinical laboratory certified for this purpose by the department under this chapter.

SEC. 3. Section 1207 is added to the Business and Professions Code, to read:

1207. As used in this chapter, "clinical chemist technologist," "clinical microbiologist technologist," and "clinical toxicologist technologist," or "other equivalent technologist" as defined by the board, means any person, other than those licensed to engage in the work and direction of laboratories as defined or licensed as a clinical laboratory technologist or trainee who is licensed to perform technical procedures limited to the science for which he is licensed under the direction of a person authorized to direct a laboratory under the provisions of this chapter.

SEC. 4. Section 1208 is added to the Business and Professions Code, to read:

1208. As used in this chapter, "unlicensed laboratory personnel" means individuals who may perform such functions as provided for by regulations of the board and under supervision as provided by regulations of the board.

SEC. 5. Section 1261 of the Business and Professions Code is amended to read:

1261. The department shall issue a clinical laboratory or limited technologist's license to each person who is a lawful holder of a baccalaureate or an equivalent or higher degree, who has applied for such license on forms provided by the department and has met the requirements of this chapter and such reasonable qualifications as are established by regulations of the board. However, an exception to the degree requirement may be made by the department for the clinical laboratory technologist's license only if the applicant for such license has completed a minimum of two years of experience as a licensed trainee or the equivalent thereof, as determined by the department, doing clinical laboratory work embracing the various fields of clinical laboratory activity in a clinical laboratory approved by the department. In addition, the applicant applying under this section must have 90 semester hours or equivalent quarter hours of university or college work or the equivalent thereof, as may be determined by the department, which shall have included at least 23 semester hours or equivalent quarter hours of science courses as specified by regulations of the board. Additional college or university work which includes courses in the fundamental sciences may be substituted for one of the two years of experience in the ratio of 30 semester hours or equivalent quarter hours for each year of experience. This exception shall not apply to the limited technologist's license. The department shall hold examinations to aid it in judging the qualifications of applicants. Licenses may be issued in any or all of the sciences applied in a clinical laboratory as determined by regulation established by the board. The board shall establish by regulation the college courses or majors to be included in the college or university training and the amount and kind of training or experience required. Examinations, training, or experience requirements for limited licenses shall cover only the science concerned. The board may establish by regulation the various technologist

sciences and shall establish the minimum requirements for training and experience and required courses or major for each.

Experience as a clinical laboratory technologist in any branch of the armed forces of the United States may be considered equivalent to the experience as a trainee, if such experience is approved by the department. Each year of training and experience as a clinical laboratory technologist in such armed forces shall be equivalent to 15 semester hours, which shall be credited to the minimum number of hours required to qualify for licensure as a trainee. The semester hours acquired in this manner shall not consist of the science courses required by the board under this section. The maximum number of hours granted shall not exceed 60 semester hours or its equivalent.

SEC. 6. Section 1262 of the Business and Professions Code is amended to read:

1262. No clinical laboratory or limited technologist license shall be issued by the department except after examination; provided, that a temporary technologist's license may be issued to an individual who fulfills the requirements for admission to the examination unless the individual has failed a previous examination for such license. The department may issue licenses without examination to applicants who have passed examinations of the national accrediting boards whose requirements are equal to or greater than those required by this chapter and regulations established by the board. The department may issue licenses without further examination to applicants who have passed examinations of another state whose laws and regulations are equal to or greater than those required by this chapter and regulations established by the board. The evaluation of national or state accrediting boards for the purposes of this chapter shall be carried out by the department with assistance of representatives from the licensed groups. This section shall not apply to persons who have passed an examination by a national board or another state examination prior to the establishment of requirements that are equal to or exceed those of this chapter or the regulations of the board. The department may, however, make exceptions if individuals are otherwise qualified.

SEC. 7. Section 1263 of the Business and Professions Code is amended to read:

1263. The department shall license as trainees those individuals desiring to train for either a clinical laboratory technologist's license or a limited technologist's license, providing such individuals meet the academic requirements.

No trainee license shall be issued unless the applicant has completed at least 90 semester hours or equivalent quarter hours of university or college work or the essential equivalent as determined by the department which must have included at least 23 semester hours or equivalent quarter hours of courses in the sciences as determined by regulations of the board. Applicants who have completed military training schools may

be granted academic credit toward licensure by the department on the basis of recommendations made by the American Council on Education.

Applicants shall apply for such license on forms provided by the department and meet the requirements of this chapter and such standards as are established by regulations of the board. Trainees' licenses shall not be issued for a period in excess of two years after completion of the minimum practical training period in clinical laboratory work required for the trainee to qualify for the license being sought.

SEC. 8. Section 1269 is added to the Business and Professions Code, to read:

1269. The board shall establish by regulation the limited laboratory activities in which unlicensed laboratory personnel including, but not limited to, laboratory aides, cardiopulmonary technicians, and isotope technicians, working in clinical laboratories may engage and shall establish the extent of supervision required and the minimum qualifications to be met by such persons. Persons engaged in such activities shall do so only under the supervision of a licensed technologist, or person duly authorized to direct a laboratory, who is functioning as a technologist. Before such persons are permitted to perform tests, they shall satisfactorily demonstrate their ability to do so in accordance with procedures prescribed by the department.

SEC. 9. Section 1270 is added to the Business and Professions Code, to read:

1270. The board shall establish by regulation the limited laboratory activities in which cytotechnologists may engage and shall establish the extent of supervision required and the minimum qualifications to be met by such persons. Persons engaged in such activities shall do so only under the supervision of a licensed technologist, or person duly authorized to direct a laboratory, who is functioning as a technologist. Before such persons are permitted to perform tests, they shall satisfactorily demonstrate their ability to do so in accordance with procedures prescribed by the department.

CHAPTER 1067

An act to amend Sections 2501, 2504, and 2523 of, and to add Article 3.5 (commencing with Section 2525) to Chapter 2.5 of Division 2 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor September 14, 1970. Filed with Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2501 of the Vehicle Code is amended to read:

2501. The Commissioner of the California Highway Patrol shall have the authority to issue licenses for the operation of

privately owned and operated ambulances used to respond to emergency calls, armored cars, official lamp and brake adjusting stations, official motor vehicle pollution control device installation and inspection stations, fleet owner licensed stations and for the transportation of explosives, and shall license lamp and brake adjusters and motor vehicle pollution control device installers. Such licenses shall be issued in accordance with the provisions of this chapter and regulations adopted by the commissioner pursuant thereto. All licenses issued by the commissioner, except those issued to adjusters and installers, shall expire one year from the date of issue. The commissioner shall establish by regulation the terms of adjusters' and installers' licenses as are necessary for the practical administration of the provisions relating to adjusters and installers, but such terms shall not be for less than one nor more than four years. Licenses may be renewed upon application and payment of the renewal fees if the application for renewal is made within the 30-day period prior to the date of expiration. Persons whose licenses have expired shall immediately cease the activity requiring a license, but the commissioner shall accept applications for renewal during the 30-day period following the date of expiration if they are accompanied by the new license fee. In no case shall a license be renewed where the application is received more than 30 days after the date of expiration.

SEC. 2. Section 2504 of the Vehicle Code is amended to read:

2504. It is unlawful to violate any regulation adopted by the commissioner pursuant to this chapter.

SEC. 3. Section 2523 of the Vehicle Code is amended to read:

2523. An owner of a fleet of three or more vehicles who is not an interstate carrier may be licensed by the commissioner as a licensed station, provided such owner complies with the regulations of the department. Such fleet owner stations shall not certify the adjustment of lamps or brakes nor the installation, inspection, repair, or service of motor vehicle pollution control devices or systems except on vehicles which constitute such fleet.

SEC. 4. Article 3.5 (commencing with Section 2525) is added to Chapter 2.5 of Division 2 of the Vehicle Code, to read:

Article 3.5. Interstate Fleet Owners

2525. For purposes of this article:

(a) "Fleet owner" means an owner of a fleet of three or more vehicles who is engaged in the interstate transportation of persons or property and whose vehicles are registered in California.

(b) "Fleet owner licensed station" means a lamp adjusting station, a brake adjusting station, a motor vehicle pollution control device installation and inspection station, or an in-

spection and maintenance station operated by a fleet owner for his own vehicles, and licensed by the commissioner pursuant to this chapter. Such fleet owner stations shall not certify the adjustment of lamps or brakes or the installation, inspection, repair, or service of motor vehicle pollution control devices or systems, except on vehicles which constitute such fleet.

(c) "Inspection and maintenance station" means a fleet owner licensed station in which a fleet owner inspects and maintains his vehicles subject to the vehicle inspection and maintenance requirements imposed by the United States Department of Transportation.

2525.2. The commissioner may adopt such regulations as are necessary to administer the provisions of this article. A fleet owner licensed by the commissioner as a fleet owner licensed station pursuant to this article shall comply with such regulations.

2525.4. Fleet owners licensed as inspection and maintenance stations shall, in addition to conducting inspections and maintenance subject to the requirements of the United States Department of Transportation, conduct all installations, adjustments, inspections, and maintenance under the supervision of, and subject to the regulations of, the department, and subject to Division 12 (commencing with Section 24000).

2525.6 Each fleet owner licensed as an inspection and maintenance station may place upon a vehicle which it has inspected and maintained, or upon which it has installed or adjusted required equipment, a sticker, in a form approved by the commissioner, certifying the compliance of such vehicle with all pertinent requirements imposed upon such vehicle by this code, or regulations adopted thereunder, and by the United States Department of Transportation. Such stickers shall remain valid for a period of one year and shall not be placed on any vehicle which is not part of the fleet.

2525.8. The commissioner shall make and enforce regulations with respect to the issuance of stickers to be displayed upon vehicles owned or operated by a fleet owner which has complied with Section 2525.6.

2525.10. It is unlawful and constitutes a separate offense for any person to knowingly place or knowingly permit to be placed any sticker authorized by this article on any vehicle which does not comply with all the equipment requirements of this code or regulations adopted thereunder.

2525.12. The commissioner may charge a fee for the stickers furnished to fleet owner licensed stations. The fee charged shall be established by regulation and shall not produce a total estimated revenue which, together with license fees charged pursuant to Sections 2502 and 2503, is in excess of the estimated total cost to the department of the administration of the statutes relating to fleet owner licensed stations.

CHAPTER 1068

*An act to amend Section 55632 of the Government Code,
relating to local agencies.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 55632 of the Government Code is amended to read:

55632. The legislative body of any local agency may contract with any other local agency for the furnishing of fire or police protection to such other local agency.

CHAPTER 1069

*An act relating to the study of accreditation associations
and visiting accrediting teams.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. The Joint Legislative Budget Committee and the Senate Education Committee shall conduct a study of accreditation associations and visiting accrediting teams, examining the standards and assessment devices utilized by accreditation teams in their visits to high schools and determining the extent to which the academic progress of individual pupils is considered in the assessment of a school's quality. A report on the results of the study shall be submitted to the Legislature and the Department of Education on or before the fifth calendar day of the 1972 Regular Session.

CHAPTER 1070

*An act to amend Section 13997 of the Education Code,
relating to the State Teachers' Retirement System.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13997 of the Education Code is amended to read:

13997. Time during which a member is excused from performance of his duties, such as but not limited to, sick leave, holidays, or vacation, whether or not he is required to perform any portion of such duties during such time, and for which

he receives compensation, including disability from any insurance carrier of his employer, under the Labor Code on account of industrial injury or disease, in an amount less than the full compensation earnable by him while performing his duties when not so excused, shall be credited as service in the proportion that the compensation paid to the member bears to the full compensation which would be earnable by him while performing his duties on a full-time basis. For purposes of this article, any certificated employee on a sabbatical leave as provided under Section 13457 shall receive full-time service credit for time spent on such leave, providing the member pays an actuarially determined percentage of total compensation as determined by the board to cover the employer costs of granting this service credit, and pays an additional amount equal to the contributions that he and the state would have paid had he not been on leave within two years from the termination of the leave of absence.

CHAPTER 1071

An act to amend Section 190 of the Streets and Highways Code, relating to grade separations.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 190 of the Streets and Highways Code is amended to read:

190. In each annual budget report prepared by the commission and the department under Section 143.1, the sum of five million dollars (\$5,000,000) shall be set aside for allocations to grade separation projects, including the elimination of grade crossings and the alteration or reconstruction of grade separations, of separation of grade districts, cities, cities and counties, and counties on county roads or city streets as provided in Sections 189 to 191, inclusive. An allocation shall be made of one-half of the estimated cost, after deducting therefrom any contribution to be made by the railroad corporations involved, towards any project which qualifies therefor under the provisions of those sections, except that in no event shall allocations be made to projects for the alteration or reconstruction of grade separations unless the affected railroad or railroads have agreed, or have been required by decision of the Public Utilities Commission, to contribute not less than 10 percent of the cost of such alteration or reconstruction project. An allocation shall be made only when the affected local agency or agencies furnish evidence to the department that all necessary orders of the Public Utilities Commission have been obtained, that all necessary agreements with affected railroad or railroads have been executed, that

sufficient funds from the local agency or agencies are available and that all other matters prerequisite to awarding the construction contract within a period of six months have been or can be taken care of within that time. Funds of a local agency shall be deemed available for purposes of this section to the extent of the amount of any general obligation bonds authorized but unsold if all proceedings prior to the issuance and sale of the bonds have been validly taken and if the bonds may be validly issued and sold by the local agency at any time, even though at the time of allocation under this section the bonds have not been issued or sold. Where such bond proceedings have been taken, if the bonds are not issued and sold within six months after the time of such allocation, the commission may order the allocation canceled, and shall thereupon revert the amount thereof to the fund set aside by this section, for reallocation to another eligible project. In any event, regardless of the method proposed by the local agency for the financing of its share of the project cost, if after an allocation has been made, the construction contract has not been awarded within one year, the commission may order the allocation canceled and the funds allocated shall revert to the fund set aside by this section. In financing its share of the project cost, the local agency may use any funds available to it.

The department and the commission may make allocations from a succeeding fiscal year's sum of five million dollars (\$5,000,000) on and after January 1st preceeding the beginning of such fiscal year. Engineering, right-of-way acquired for the project and utility relocation costs expended by a local agency or agencies prior to an allocation of funds for a project shall be included in the total cost thereof, even though expended prior to an allocation of state funds.

A local agency that furnishes evidence to the department that it has complied with all requirements for an allocation pursuant to this section may, if it has sufficient funds available for that purpose, proceed with the advertising for bids and the construction without prejudice to its right to receive an allocation if an allocation becomes available for that local agency before the termination of the priority list established for the year during which the construction commenced.

Funds set aside for the purposes specified in this section shall be available for allocation and expenditure without regard to fiscal years.

Such project may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, execute agreements with railroad corporations, present necessary applications to the Public Utilities Commission and perform all other acts to complete the project. Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local

agencies are authorized relative to the handling and accounting of funds, including the making of advancements thereof so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

In the event the actual cost is less than that estimated, the allocation shall be reduced accordingly. If, after completion of the project, the actual cost exceeds that estimated, the allocation may be increased proportionately by the department and the commission. If more projects comply with the requirements hereof than can be financed from the fund set aside by this section, allocations shall be made only to those highest on the priority list submitted by the Public Utilities Commission, except for those allocations made for projects which exceed the estimated costs. Allocations to specific projects by the department shall remain available until expended. As used in this section, "local agency" includes a separation of grade district, as well as a city, city and county, or county.

CHAPTER 1072

An act to amend Sections 311, 311.6, and 312.1 of the Penal Code, relating to obscenity.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 311 of the Penal Code is amended to read:

311. As used in this chapter:

(a) "Obscene matter" means matter, taken as a whole, the predominant appeal of which to the average person, applying contemporary standards, is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion; and is matter which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is matter which taken as a whole is utterly without redeeming social importance.

(1) The predominant appeal to prurient interest of the matter is judged with reference to average adults unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition, that it is designed for clearly defined deviant sexual groups, in which case the predominant appeal of the matter shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that matter is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the

matter and can justify the conclusion that the matter is utterly without redeeming social importance.

(b) "Matter" means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or materials.

(c) "Person" means any individual, partnership, firm, association, corporation or other legal entity.

(d) "Distribute" means to transfer possession of, whether with or without consideration.

(e) "Knowingly" means being aware of the character of the matter or live conduct.

(f) "Exhibit" means to show.

(g) "Obscene live conduct" means any physical human body activity, whether performed or engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming, where, taken as a whole, the predominant appeal of such conduct to the average person, applying contemporary standards is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion; and is conduct which taken as a whole goes substantially beyond customary limits of candor in description or representation of such matters; and is conduct which taken as a whole is utterly without redeeming social importance.

(1) The predominant appeal to prurient interest of the conduct is judged with reference to average adults unless it appears from the nature of the conduct or the circumstances of its production, presentation or exhibition, that it is designed for clearly defined deviant sexual groups, in which case the predominant appeal of the conduct shall be judged with reference to its intended recipient group.

(2) In prosecutions under this chapter, where circumstances of production, presentation advertising, or exhibition indicate that live conduct is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence is probative with respect to the nature of the conduct and can justify the conclusion that the conduct is utterly without redeeming social importance.

SEC. 2. Section 311.6 of the Penal Code is amended to read.

311.6. Every person who knowingly engages or participates in, manages, produces, sponsors, presents or exhibits obscene live conduct to or before an assembly or audience consisting of at least one person or spectator in any public place or in any place exposed to public view, or in any place open to the public or to a segment thereof, whether or not an admission fee is charged, or whether or not attendance is conditioned upon the presentation of a membership card or other token, is guilty of a misdemeanor.

SEC. 3. Section 312.1 of the Penal Code is amended to read:

312.1. In any prosecution for a violation of the provisions of this chapter or of Chapter 7.6 (commencing with Section 313), neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the obscene or harmful character of the matter or live conduct which is the subject of any such prosecution. Any evidence which tends to establish contemporary community standards of appeal to prurient interest or of customary limits of candor in the description or representation of nudity, sex or excretion, or which bears upon the question of redeeming social importance, shall, subject to the provisions of the Evidence Code, be admissible when offered by either the prosecution or by the defense.

CHAPTER 1073

An act to add Section 12018 to the Government Code, relating to state agencies.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 12018 is added to the Government Code, to read:

12018. Except as otherwise provided by statute, the Governor may designate which single state agency shall be responsible for each federal program in which federal money is given to the state with the requirement that it be handled by a single state agency.

Whenever the Governor designates an agency pursuant to this section, he shall notify the Joint Legislative Budget Committee of the agency designated and the federal program for which such agency was designated.

CHAPTER 1074

An act relating to the study of medical assistance.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. The Legislative Analyst, with the assistance of the Department of Health Care Services and the Controller, shall study and evaluate the practicability of the processing and payment of county hospital bills for services under Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code directly by the Department of Health Care Services, rather than by the fiscal inter-

mediary, and report his findings and recommendations to the Legislature not later than the fifth calendar day of the 1971 Regular Session of the Legislature. If the study reveals that the processing and payment of such county hospital bills directly by the Department of Health Care Services is generally more efficient, effective, and economical than by the fiscal intermediary, the Director of the Department of Health Care Services may provide by administrative rule and regulation for the processing and payment directly by the department of county hospital bills for services under this chapter.

SEC. 2. This act shall terminate as of July 1, 1971.

CHAPTER 1075

An act to amend Sections 1215 and 12415 of, to add Section 12416 to, and to repeal Sections 12416, 12418, and 12419 of, the Insurance Code, relating to insurance.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1215 of the Insurance Code is amended to read:

1215. As used in this article, the following terms shall have the respective meanings hereinafter set forth, unless the context shall otherwise require:

(a) An "affiliate" of, or person "affiliated" with, a specific person, is a person that directly, or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(b) The term "control" includes the terms "controlling," "controlled by," and "under common control with," and means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or non-management services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing, more than 10 percent of the voting securities of any other person. This presumption may be rebutted by a showing that control does not exist in fact in accordance with subdivision (i) of Section 1215.4. The commissioner may, after furnishing all persons in interest notice and opportunity to be heard, determine that control exists in fact, notwithstanding the absence of a presumption to that effect.

(c) An "insurance holding company system" consists of two or more affiliated persons, one or more of which is an insurer.

(d) "Insurer" shall have the same meaning as set forth in Section 826 of this code, excluding subdivisions (e) and (f) of such section.

(e) "Person" is an individual, a corporation, a partnership, an association, a joint stock company, a business trust, an unincorporated organization, or any similar entity, or any combination thereof acting in concert.

(f) A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

SEC. 2. Section 12415 of the Insurance Code is amended to read:

12415. It is the intent of the Legislature that certificated title insurers and licensed underwritten title companies, as defined in Section 12402, shall pay to the commissioner an annual renewal fee, as provided in Section 12416, in addition to that provided as to title insurers by Section 705, and as to underwritten title companies by Section 12396, to cover the costs to the commissioner for administering and enforcing Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2 of this code and other provisions of this code as may be subsequently incorporated by reference in this article by legislative enactment. Such fee shall be in lieu of all fees provided for in Article 6 (commencing with Section 12401) of Chapter 1, Part 6, Division 2.

SEC. 3. Section 12416 of the Insurance Code is repealed.

SEC. 4. Section 12416 is added to the Insurance Code, to read:

12416. Each certificated title insurer possessing a certificate of authority of indefinite term pursuant to Section 701 shall owe and pay an annual renewal fee of two hundred dollars (\$200) in lawful money of the United States. Each underwritten title insurer possessing a license of indefinite term pursuant to Section 12396 shall owe and pay an annual renewal fee of fifty dollars (\$50) in lawful money of the United States. Such fees shall be for annual periods commencing on July 1 of each year and ending on June 30 of each year, and shall be due on March 1st preceding the annual period for which such fees are charged, and shall be delinquent on and after April 1st next following the date when due.

SEC. 5. Section 12418 of the Insurance Code is repealed.

SEC. 6. Section 12419 of the Insurance Code is repealed.

CHAPTER 1076

An act to amend Section 3271 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. Until January 1, 1972, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1972.

CHAPTER 1077

An act to amend Section 1 of, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 to, Chapter 78 of the Statutes of 1917, relating to the use of certain tide and submerged lands granted to the City of Santa Monica.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 78 of the Statutes of 1917 is amended to read:

Section 1. There is hereby granted to the City of Santa Monica, hereafter called "city," a municipal corporation of

the State of California, and to its successors, all the right, title and interest of the State of California, held by said state by virtue of its sovereignty, in and to all the tidelands and submerged lands, within the present boundaries of said city, and situated below the line of mean high tide of the Pacific Ocean, to be forever held by said city, and by its successors, in trust for the uses and purposes, and upon the express conditions following, to wit:

(a) Said lands shall be used by said city and by its successors, solely for the establishment, improvement and conduct of a harbor and for the establishment and construction of bulkheads or breakwaters for the protection of lands within its boundaries, or for the protection of its harbor, and for the construction, maintenance and operation thereon of wharves, docks, piers, slips, quays, and other utilities, structures and appliances necessary or convenient for the promotion or accommodation of commerce and navigation, and the protection of the lands within said city, and said city, or its successors, shall not, at any time, grant, convey, give or alien said lands, or any part thereof, to any individual, firm or corporation for any purpose whatsoever; provided, that said city, or its successors, may grant franchises thereon, for a period not exceeding 66 years, for wharves and other public uses and purposes, and may lease said lands, or any part thereof for a period not exceeding 66 years, for purposes consistent with the trusts upon which said lands are held by the State of California, and with the requirements of commerce or navigation at said harbor, except that leases for the extraction and removal of oil and gas deposits may only be for a period not exceeding 25 years;

(b) Said harbors shall be improved by said city without expense to the state, and shall always remain a public harbor for all purposes of commerce and navigation, and the State of California, shall have, at all times, the right to use, without charge, all wharves, docks, piers, slips, quays and other improvements constructed on said lands, or any part thereof, for any vessel or other watercraft, or railroad, owned or operated by the State of California;

(c) In the management, conduct or operation of said harbor, or of any of the utilities, structures or appliances mentioned in paragraph (a), no discrimination in rates, tolls, or charges, or in facilities, for any use or service in connection therewith shall ever be made, authorized or permitted by said city or by its successors. The absolute right to fish in the waters of said harbor with the right of convenient access to said waters over said lands for said purpose, is hereby reserved to the people of the State of California.

(d) Insofar as such use does not interfere with the other uses provided for in this act said lands may be used and developed for recreational purposes and facilities, and parking lots necessary for such use and development may be constructed, operated and maintained thereon.

SEC. 2. Section 2 is added to Chapter 78 of the Statutes of 1917, to read:

SEC. 2. The city shall establish a separate trust fund or funds on or before December 31, 1971, for deposit of all moneys or proceeds derived from the granted tidelands in the city. Commencing on September 30, 1973, a statement of financial condition and operation shall be submitted by the city to the Auditor General annually, on or before September 30 of each year for the preceding fiscal year.

SEC. 3. Section 3 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 3. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(c) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including, but not limited to, approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary, or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line railroads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary, or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including, but not limited to, public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including, but not limited to, snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted tidelands or to encourage private investment in development of such granted tidelands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

Sec. 4. Section 4 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 4. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

Sec. 5. Section 5 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 5. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars (\$250,000) in the aggregate, the city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting

preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 3 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. Each party shall bear their own costs of suit and no such costs shall be recovered from the other party.

SEC. 6. Section 6 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 6. At the end of each fiscal year, beginning September 30, 1975, that portion of trust revenues in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or the maintenance of beaches, harbors, and other tidelands trust activities have been paid, shall be deemed excess revenue; provided, that any funds deposited in a reserve fund for future capital expenditures, or any funds required to service or retire general obligation or revenue bond issues, or special funds required to be maintained for the payment of contractual obligations owing to the state on account of harbor improvements authorized by the provisions of Article 3 (commencing with Section 70) of Chapter 2 of Division 1 of the Harbors and Navigation Code, the moneys from which have been, or will be, used for purposes authorized by law, shall not be deemed excess revenue. Amortization payments made subsequent to the effective date of the enactment of this act at the 1970 Regular Session of the Legislature for capital improvements of the granted lands for purposes authorized by the terms of the grant may be considered as expenditures for the purpose of determining net revenues. The excess revenue, as determined pursuant to this section, shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the city's trust fund and used for any purpose authorized by Sections 1 and 3 of this act.

SEC. 7. Section 7 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 7. The State Lands Commission, at the request of the city, shall grant an extension of time for filing any report or statement required by this act which was not filed due to mistake or inadvertence not to exceed 30 calendar days after service upon the city by the State Lands Commission of written notice of violation.

SEC. 8. Section 8 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 8. In the event that the city fails or refuses to file with the State Lands Commission or with the Auditor General any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act within 30 days after written notice to the city, or fails or refuses to carry out the terms of the grant within 30 days after written notice to the city, the State Lands Commission or the Auditor General shall within 60 days notify the Chief Clerk of the Assembly and the Secretary of the Senate.

The Attorney General shall, upon request of the State Lands Commission, after the city has been given such notice and after such failure or refusal by the city, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any properties and assets situated on the granted tidelands or derived therefrom.

SEC. 9. Section 9 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 9. The State Lands Commission may from time to time, at the request of the Legislature, institute a formal inquiry to determine that the terms and conditions of the grant and amendments thereto have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 10. Section 10 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 10. The Auditor General shall, on or before March 30 of each year, commencing on March 30, 1974, report to the Chief Clerk of the Assembly, to the Secretary of the Senate, and to the State Lands Commission, the full details of any transaction or condition reported to him pursuant to this act which he deems in probable conflict with the requirements of this act, or with any other applicable provision of law concerning these specific granted lands.

SEC. 11. Section 11 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 11. The Attorney General shall bring an action in the Superior Court of the County of Los Angeles to declare that the grant under which the city holds such tidelands and submerged lands is revoked for gross and willful violation of the terms of the grant or other applicable provisions of law concerning these specific granted lands, or to compel compliance with the terms and conditions of the grant, or the provisions of such other applicable law, upon request by concurrent

resolution of either house of the Legislature or upon formal request of the State Lands Commission. Such request shall be made only after a finding that the city has grossly and willfully violated the terms of the grant or other applicable provisions of law concerning these specific granted lands.

Such finding shall be supported by substantial evidence and shall be made only at the conclusion of a noticed public hearing at which the city has been given an opportunity to present evidence to fully describe conditions and extenuating circumstances and to present facts to disprove the alleged violation.

SEC. 12. Section 12 is added to Chapter 78 of the Statutes of 1917, to read:

Sec. 12. In the event the grant of tidelands in trust to the city is revoked pursuant to Section 11 of this act, such revocation shall not impair or affect the security of leases or the rights or obligations of third parties, including lessees, lenders for value, or others who are parties to contracts which, except for such revocation, would be lawful and binding contracts.

CHAPTER 1078

An act to amend Sections 24000 and 24002 of the Education Code, relating to higher education.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 24000 of the Education Code is amended to read:

24000. The trustees may accept on behalf of the state any gift, bequest, devise, or donation of real or personal property whenever such gift and the terms and conditions thereof will aid in carrying out the primary functions of the state colleges as specified in Section 22606. Neither Section 11005 of the Government Code nor any other provision of law requiring approval by a state officer of gifts, bequests, devises, or donations shall apply to such gifts, bequests, devises, or donations. Such gifts, bequests, devises, or donations, and the disposition thereof, shall be annually reported to the Coordinating Council for Higher Education, the Joint Legislative Budget Committee and the Department of Finance by the fifth calendar day of each regular session of the Legislature.

SEC. 2. Section 24002 of the Education Code is amended to read:

24002. (a) All money received from the sale of publications pursuant to Section 23616, all money received under an agreement entered into pursuant to Section 23608 except recovery of contributions to the State Employees' Retirement Fund, and all money collected as fees from students in any

state college and from other persons under Section 23604, Sections 23608 to 23612, inclusive, and Sections 23751, 23754, 23759, 23760, and 24000, and by reason of Section 2080.9 of the Civil Code, is hereby appropriated for the support of the California State Colleges in addition to such other amounts as may be appropriated therefor by the Legislature, and such money received under Section 24000, or received by reason of Section 2080.9 of the Civil Code, is appropriated without regard to fiscal year; provided, that money received by reason of Section 2080.9 of the Civil Code shall be used for student scholarships and loans pursuant to such regulations as the trustees shall provide, and while held pending the grant of a scholarship or loan, may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest or other earnings received pursuant to such investment shall also be used for such scholarships and loans; and provided further, that money received by reason of Section 24000 may be invested by the State Treasurer upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code, in which case all interest and other earnings received pursuant to such investment shall also be used for such purposes as may be established by the trustees consistent with the terms and conditions of the gift, bequest, devise, or donation under Section 24000. Except as otherwise provided with respect to money received by reason of Section 2080.9 of the Civil Code and Section 24000 of the Education Code, all money received pursuant to this section shall augment such support appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

(b) All money received from the sale or the disposition of real property acquired by or on behalf of a particular state college by gift, devise, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. All money received from the sale or other disposition of personal property, other than money, acquired by or on behalf of a particular state college by gift, bequest, or donation pursuant to Section 24000 or pursuant to the predecessor of that section is hereby appropriated to the trustees for expenditure for capital outlay for, or the acquisition and improvement of real or personal property for, such particular state college, in addition to such other amounts as may be appropriated therefor by the Legislature. No money shall be expended by the trustees under this subdivision without the approval of the Director of Fi-

nance. Such money shall augment such support or capital outlay appropriation of the California State Colleges current at the date of issuance of the State Controller's receipt therefor as may be designated by the trustees prior to their deposit in the State Treasury.

CHAPTER 1079

*An act to amend Section 13723.25 of the Education Code,
relating to classified school employees.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 13723.25 of the Education Code is amended to read:

13723.25. Appointments may be made from other than the first two or three, as the case may be, applicants on the eligibility list when the ability to speak, read, or write a language in addition to English or possession of a valid driver's license is a requirement of the position to be filled. The recruitment bulletin announcing the examination shall indicate the special requirements which may be necessary for filling one or more of the positions in the class. Where such a position is to be filled, using the authority of this section, the appointment shall be made from among the highest two or three, as the case may be, applicants on the appropriate eligibility list who meet the special requirements and who are ready and willing to accept the position. If there are insufficient applicants who meet the special requirements, the commission shall certify the top applicant or applicants plus those applicants who meet the special requirements, not to exceed two or three candidates, as the case may be.

CHAPTER 1080

*An act to amend Section 14402 of the Government Code,
relating to state contracts.*

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 14402 of the Government Code is amended to read:

14402. Payments upon contracts shall be made as the department prescribes upon estimates made and approved by the department, but progress payments shall not be made in

excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the state, and unused, except as otherwise provided in this section. The department shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the department finds that satisfactory progress is being made, the department may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof as the department may find appropriate based on the contractor's progress. In addition, at any time after 95 percent of the work has been completed and the department determines that satisfactory progress is being made to complete the balance of the work, the department may reduce the funds withheld to an amount equal to 125 percent of the estimated value of the work yet to be completed, as determined by the department, provided that such reduction has been approved in writing by the surety on the performance bond and by the surety on the payment bond. The Controller shall draw his warrants upon estimates so made and approved by the department and the Treasurer shall pay them.

CHAPTER 1081

An act to add Section 1191.5 to the Labor Code, relating to employment licensing.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 1191.5 is added to the Labor Code, to read:

1191.5. Notwithstanding the provisions of Section 1191, the commission may issue a special license to a nonprofit organization such as a sheltered workshop or rehabilitation facility to permit the employment of women or minors who have been determined by the commission to meet the requirements in Section 1191 without requiring individual licenses of such employees. The commission shall fix a special minimum wage for such employees. The special license for the nonprofit corporation shall be renewed on a yearly basis, or more frequently as determined by the commission.

CHAPTER 1082

An act to amend Section 2766 of the Public Utilities Code, relating to air carriers.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2766 of the Public Utilities Code is amended to read:

2766. Upon application for suspension or deletion of any certificated point, the commission may authorize a special temporary suspension. Such suspension, when authorized, shall be effective 30 days after the filing of said application and shall only remain effective, however, pending hearing and decision on the application if an interested person or party so requests. The special temporary suspension may be ordered for a maximum 90-day period, and may be renewed by the commission for an additional 90-day period, if such additional time is required to complete the proceedings before the commission, except that a stay of the commission's decision, on its own motion or by the Supreme Court, will serve to continue the special temporary suspension until 10 days after termination or a review proceeding.

CHAPTER 1083

An act to amend Section 74804 of, and to add Section 74807.5 to, the Government Code, relating to municipal courts.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 74804 of the Government Code is amended to read:

74804. There shall be one marshal who shall receive the biweekly salary specified in range 38.5, step C, as set forth in the biweekly salary schedule contained in Section 74806.

Whenever the salary of the class of lieutenant in the service of San Joaquin County is adjusted, the salary of the marshal shall be adjusted an equal number of ranges on the salary schedule.

If an adjustment in the salary of the class of lieutenant is made in the fiscal year 1970-1971 prior to the effective date of the amendments to this section enacted at the 1970 Regular Session of the Legislature, then the equivalent adjustment authorized by this section shall be made to the salary of the marshal on such effective date.

SEC. 2. Section 74807.5 is added to the Government Code, to read:

74807.5. Notwithstanding any other provision of this article, the biweekly salary of the assistant marshal shall be at the rate specified in range 32.5 of the salary schedule set forth in Section 74806.

CHAPTER 1084

An act relating to homemaker services.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Counties are not required to comply with the provisions of Article 5 (commencing with Section 11170) of Chapter 1 of Part 3 of Division 9 of the Welfare and Institutions Code prior to December 31, 1972.

CHAPTER 1085

An act relating to tide and submerged lands in the Humboldt Bay area in the County of Humboldt.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. As used in this act:

(a) "City" means the City of Eureka or any successor in interest to Eureka tidelands.

(b) "Commission" means the State Lands Commission.

(c) "Eureka tidelands" means those certain tide and submerged lands, whether filled or unfilled, heretofore conveyed to the city upon certain trusts and conditions by Chapter 82 of the Statutes of 1857, Chapter 438 of the Statutes of 1915, Chapter 187 of the Statutes of 1927, and Chapter 225 of the Statutes of 1945.

(d) "Humboldt Bay area" means all of the following described land in the County of Humboldt, referenced to the Humboldt base and meridian:

Sections 25, 26, 27, 34, 35, 36, Township 6 North, Range 1 West, H.B.&M.

Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, Township 5 North, Range 1 West, H.B.&M.

Sections 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, 32, Township 4 North, Range 1 West, H.B.&M.

Sections 5, 6, Township 3 North, Range 1 West, H.B.&M.

Sections 1, 12, 13, 14, 23, 24, 25, 26, 36, Township 4 North, Range 2 West, H.B.&M.

Sections 31, 32, Township 6 North, Range 1 East, H.B.&M.

Sections 4, 5, 6, 7, 8, 9, 17, 18, 19, 20, 29, 30, 31, Township 5 North, Range 1 East, H.B.&M.

(e) "Statutes" means Chapter 82 of the Statutes of 1857, Chapter 438 of the Statutes of 1915, Chapter 187 of the Stat-

utes of 1927, and Chapter 225 of the Statutes of 1945, collectively.

SEC. 2. (a) It is found and declared that portions of the lands within the Humboldt Bay area have been heretofore and shall be improved hereafter in connection with the development of the Humboldt Bay area, and in the process of such development have been filled and reclaimed, are no longer submerged or below the line of mean high tide, and are no longer necessary or useful for commerce, fisheries, or navigation.

(b) The commission shall determine the lands described in subdivision (a) of this section and shall execute and record in the office of the County Recorder of the County of Humboldt appropriate instruments describing such lands. Upon the recording of any such instrument or instruments, together with a certificate that the lands described in such instrument or instruments are above the line of mean high tide and have been found to be no longer necessary or useful for commerce, fisheries, or navigation, the described lands shall be freed of the public use and trust for commerce, fisheries, and navigation. Such determinations shall be made from time to time by the commission on its own initiative or shall be made on the application of the city or any other affected party.

SEC. 3. (a) The city as to Eureka tideland lands, and the commission or any future grantee of tide and submerged lands in the Humboldt Bay area outside of the Eureka tidelands, by such document, quitclaim, or conveyance, and upon the receipt of such considerations as are authorized or described in this act, may convey, release, or quitclaim any portions of such lands described in any instrument recorded pursuant to subdivision (b) of Section 2. There shall be an order of preference as to the persons in favor of which such document, quitclaim, or conveyance may be executed. Such order shall be as follows:

(1) First, to any person claiming present ownership of such property based upon a record chain of title, which chain of title covers a period of 30 years or more immediately preceding the effective date of this act.

(2) Second, to any person who, together with his claimed predecessors in interest, has paid taxes on such property to the County of Humboldt for a period of 30 years or more immediately preceding the effective date of this act.

(3) Third, to such abutting landowner as has the longest common boundary with the property to be conveyed, released, or quitclaimed.

(4) Fourth, to other parties as are approved by the commission.

(b) The city, with the approval of the commission, may settle by agreement, exchange, or quitclaim, any dispute concerning whether or not particular land within the Humboldt Bay area constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or grant or other valid source, or rather constitutes Eureka tidelands,

title to which is vested in the city under the provisions of the statutes. In settlement of such disputes the city, with the approval of the commission, may, by such agreement, exchange, or quitclaim, establish boundary or compromise boundary lines between the Eureka tidelands and bordering private or proprietary lands.

SEC. 4. Any consideration to be paid in exchange for any conveyance, release, quitclaim, or settlement under this act shall be determined by the city with the approval of the commission. In determining the adequacy of any such consideration, the city and the commission shall give effect in their evaluation to all factors bearing upon the value, if any, of the public's interest being conveyed, released, quitclaimed, or settled, and the rights, claims, and equities of the person in whose favor the conveyance, release, quitclaim, or settlement is being made and their predecessors in interest. In those cases where the land has been filled or reclaimed or improved, or both, without the expenditure of either state funds or any public moneys held in trust under the terms of the statutes, such lands may be valued by excluding the value of the fill or improvements, or both. Consideration under this act may consist of lands, property, or interests in property, including leasehold interests, easements, moneys, or other things of value given by the transferee or any other person.

SEC. 5. Any portion of lands which passes in title by reason of any conveyance, release, quitclaim, or settlement made under the terms of subdivision (a) of Section 3 shall be freed of the trusts and conditions imposed by the statutes or existing in law by virtue of the previous character of such lands as tidelands.

No lands which lie below the line of mean high tide shall be conveyed, released, or quitclaimed under the provisions of this act, nor shall any such lands be freed by the provisions of this act of the trusts and conditions imposed by the statutes or in existing law by virtue of the character of such lands as tidelands. Any certificate of the commission concerning the character of the lands described in the instruments recorded under the provisions of subdivision (b) of Section 2 of the necessity or usefulness of such lands for commerce, fisheries, or navigation shall be conclusive as to the character of lands declared therein to be above the line of mean high tide and their necessity or usefulness for commerce, fisheries, and navigation.

Any document, quitclaim, or conveyance executed pursuant to the provisions of subdivision (a) of Section 3 shall reserve to the state, all oil, gas, minerals, and other hydrocarbons in any lands found to be Eureka tidelands or other lands which lie below the line of mean high tide, except that no such reservation shall be required if the lands quitclaimed or conveyed are conveyed or quitclaimed in exchange for other lands and such transferor receives the mineral rights in such other lands conveyed to it. The reservations of such rights to minerals, oil,

gas, or other hydrocarbons shall not preclude the conveyance, release, or quitclaim of the right of entry upon the surface of such lands for the purposes of drilling, mining, or extraction of those reserved interests.

SEC. 6. Any conveyance, release, quitclaim, or settlement made pursuant to the provisions of this act shall be made by an appropriate document and approved by the commission.

SEC. 7. (a) All lands or interests in lands which lie below the line of mean high tide and are received as a result of sales or exchanges authorized by this act shall be deemed tidelands. Such lands or interests so received by the city shall be subject to the provisions of the statutes.

(b) All lands or interests in lands which lie above the line of mean high tide and are received as a result of sales or exchanges authorized by this act shall be deemed lands acquired with trust moneys received from tidelands.

(c) All moneys and other things of value, excluding land and interests in land, which are received by the city as a result of sales or exchanges pursuant to this act shall be used only for those trust purposes defined in the statutes.

SEC. 8. The provisions of this act shall not be deemed exclusive with respect to the settlement or litigation of titles and boundaries of lands within the Humboldt Bay area and this act shall not alter or impair the existing procedural or substantive rights or disabilities of any person or entity claiming title to, or an interest in, any lands in the Humboldt Bay area in the defense or prosecution of any proceeding now or hereafter instituted under the laws of this state, nor affect the applicability to such lands of any other provision of law.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1086

An act to convey in trust certain tidelands and submerged lands located in Humboldt Bay to the City of Eureka, hereinafter called "city," a municipal corporation of the State of California, and to its successors, in furtherance of navigation and commerce and the fisheries, and to provide for the government, management, and control thereof, and to reserve certain rights to the state.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby granted and conveyed in trust to the City of Eureka, subject to the provisions of Section

16 of this act, all the right, title, and interest of the state held by the state by virtue of its sovereignty in and to all of those certain tidelands and submerged lands in and underlying Humboldt Bay lying southerly, easterly, and south-easterly of the thread of the main channel and the Arcata Channel as it existed in 1945, whether filled or unfilled, to be forever held by the city, and its successors, in trust for the uses and purposes and upon the prescribed conditions set forth in Chapter 225 of the Statutes of 1945. Chapter 187 of the Statutes of 1927, and in this act, which are described as follows, referenced to the Humboldt base and meridian:

All of Sections 18 and 19, all in Township 5 North, Range 1 East, H.B. & M.; the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 21; the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 28; the East $\frac{1}{2}$ of Section 28; the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 28; the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29; the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 32, all in Township 5 North, Range 1 West, H B. & M.

SEC. 2. The lands granted and conveyed pursuant to this act, and lands heretofore granted and conveyed to the city pursuant to Chapter 225 of the Statutes of 1945 and Chapter 187 of the Statutes of 1927, shall be held by the city in accordance with Sections 3 to 15, inclusive, of this act. Except as so amended, said Chapter 225 of the Statutes of 1945 and Chapter 187 of the Statutes of 1927 shall continue in full force and effect.

SEC. 3. The city shall establish a separate tidelands trust fund or funds in such manner as may be approved by the Department of Finance and the city shall deposit in the fund or funds all moneys received directly from, or indirectly attributable to, the granted tidelands in the city. An annual statement of financial condition and operations, to conform with such requirements as the Department of Finance may prescribe, shall be submitted to the Department of Finance each year by the city on or before September 30th of each year for the preceding fiscal year.

SEC. 4. Notwithstanding any other provision of law to the contrary, the city, acting either alone or jointly with another local or state agency, may use revenues accruing from or out of the use of the granted tidelands for any or all of the following purposes; provided, that they comply with the terms of the trust and are matters of statewide, as distinguished from local or purely private, interest and benefit:

(a) For the establishment, improvement and conduct of harbors, and for the construction, reconstruction, repair, maintenance, and operation of wharves, docks, piers, slips, quays, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient, for the promotion and accommodation of commerce and navigation.

(b) For all commercial and industrial uses and purposes, and the construction, reconstruction, repair and maintenance of commercial and industrial buildings, plants and facilities.

(c) For the establishment, improvement and conduct of airport and heliport or aviation facilities, including but not limited to approach, takeoff and clear zones in connection with airport runways, and for the construction, reconstruction, repair, maintenance and operation of terminal buildings, runways, roadways, aprons, taxiways, parking areas, and all other works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of air commerce and air navigation.

(d) For the construction, reconstruction, repair and maintenance of highways, streets, roadways, bridges, belt line roads, parking facilities, power, telephone, telegraph or cable lines or landings, water and gas pipelines, and all other transportation and utility facilities or betterments incidental, necessary or convenient for the promotion and accommodation of any of the uses set forth in this section.

(e) For the construction, reconstruction, repair, maintenance and operation of public buildings, public assembly and meeting places, convention centers, public parks, public playgrounds, public bathhouses and public bathing facilities, public recreation and public fishing piers, public recreation facilities, including but not limited to public golf courses, and for all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any such uses.

(f) For the establishment, improvement and conduct of small boat harbors, marinas, aquatic playgrounds and similar recreational facilities, and for the construction, reconstruction, repair, maintenance and operation of all works, buildings, facilities, utilities, structures and appliances incidental, necessary or convenient for the promotion and accommodation of any of such uses, including but not limited to snackbars, cafes, cocktail lounges, restaurants, motels, hotels, and other forms of transient living accommodations open to the public, launching ramps and hoists, storage sheds, boat repair facilities with cranes and marine ways, administration buildings, public restrooms, bait and tackle shops, chandleries, boat sales establishments, service stations and fuel docks, yacht club buildings, parking areas, roadways, pedestrian ways and landscaped areas and other compatible commercial and recreational activities and uses.

(g) For the protection of wildlife habitats, the improvement, protection, and conservation of the wildlife and fish resources and the ecology of the area, the providing of open space areas and areas for recreational use with open access to the public, the enhancement of the aesthetic appearance of the bay and the area, control of dredging or filling of the bay, or both, and prevention of pollution of the bay.

(h) For the promotion, by advertising and such other means as may be reasonable and appropriate, of maximum public use of such granted tidelands or to encourage private investment

in development of such granted tidelands for the highest and best use in the public interest.

(i) For any other uses or purposes of statewide, as distinguished from purely local or private, interest and benefit which are in fulfillment of those trust uses and purposes described in this act.

(j) For the acquisition of property and the rendition of services reasonably necessary to the carrying out of the uses and purposes described in this section, including the amortization or debt service of any capital improvement funding program which is consistent with the terms and conditions set forth in this act.

SEC. 5. Such revenues may be deposited in one or more reserve funds for use in accordance with the terms and conditions set forth in this act.

SEC. 6. As to the accumulation and expenditure of revenues for any single capital improvement on the granted lands involving an amount in excess of two hundred fifty thousand dollars (\$250,000) in the aggregate, the city shall file with the State Lands Commission a detailed description of such capital improvement not less than 90 days prior to the time of any disbursement therefor or in connection therewith, excepting preliminary planning. The State Lands Commission may, within 90 days after the time of such filing, determine and notify the city that such capital improvement is not in the statewide interest and benefit or is not authorized by the provisions of Section 4 of this act. The State Lands Commission may request the opinion of the Attorney General on the matter, and if it does so, a copy of such opinion shall be delivered to the city with the notice of its determination. In the event the State Lands Commission notifies the city that such capital improvement is not authorized, the city shall not disburse any revenue for or in connection with such capital improvement, unless and until it is determined to be authorized by a final order or judgment of a court of competent jurisdiction. The city is authorized to bring suit against the state for the purpose of securing such an order or adjudication, which suit shall have priority over all other civil matters. Service shall be made upon the Executive Officer of the State Lands Commission and the Attorney General, and the Attorney General shall defend the state in such suit. If judgment be given against the state in such suit, no costs shall be recovered against it.

SEC. 7. At the end of every third fiscal year, beginning June 30, 1972, that portion of the city tideland trust revenues in excess of two hundred fifty thousand dollars (\$250,000) remaining after current and accrued operating costs and expenditures directly related to the operation or maintenance of tideland trust activities have been made, shall be deemed excess revenues; provided, that any funds deposited in a reserve fund for future capital expenditures or any funds used to retire bond issues for the improvement or operation of the granted lands shall not be deemed excess revenue. Capital im-

provements of the granted lands for purposes authorized by this act may be considered as expenditures for the purpose of determining net revenues; provided, however, that if made after the effective date of this act they may be so considered only if made in accordance with Section 6 of this act.

The excess revenue, as determined pursuant to Section 6 of this act shall be divided as follows: 85 percent to the General Fund in the State Treasury, and 15 percent to the city to be deposited in the trust fund and used for any purpose authorized by Section 4 of this act.

SEC. 8. The State Lands Commission, at the request of the city, shall grant an extension of time, not to exceed 30 calendar days, for filing any report or statement required by this act which was not filed due to mistake or inadvertence.

SEC. 9. In the event that the city fails or refuses to file with the State Lands Commission any report, statement, or document required by any provision of this act within the time period specified by this act, or any extension period granted pursuant to this act, or fails or refuses to carry out the terms of this act, the Attorney General shall, upon the request of the State Lands Commission, bring such judicial proceedings for correction and enforcement as are appropriate, and shall act to protect any improvements to, or assets situated upon, the granted lands or derived therefrom. The State Lands Commission shall notify the Chief Clerk of the Assembly and the Secretary of the Senate within 30 days of the occurrence of such failure or refusal and of actions taken as a result thereof.

SEC. 10. The State Lands Commission shall, from time to time, recommend to the Legislature such amendments as it may deem necessary in the terms and conditions of this act.

SEC. 11. The State Lands Commission shall, from time to time, institute a formal inquiry to determine that the terms and conditions of this act, and amendments thereto, have been complied with, and that all other applicable provisions of law concerning these specific granted lands are being complied with in good faith.

SEC. 12. The State Lands Commission shall, on or before December 31st of each year, report to the Chief Clerk of the Assembly and to the Secretary of the Senate, the full details of any transaction or condition reported to the commission pursuant to this act which it deems in probable conflict with the requirements of this act, or with any other provision of law.

SEC. 13. The Legislature reserves the right to amend, modify, or revoke, in whole or in part, the tidelands and submerged lands granted and conveyed in trust pursuant to this act; provided, that the state shall thereupon assume and be bound by all lawful transactions and obligations related to such lands entered into or created by the city during its holding of such lands.

SEC. 14. The Attorney General, on request by resolution of either house of the Legislature, or upon formal request of

the State Lands Commission made only after a noticed public hearing at which the grantee has been given an opportunity to fully express any disagreement with the commission's findings or to describe any extenuating circumstances causing the violation, shall bring an action in the Superior Court in the County of Humboldt to declare that the grant under which the city holds such tidelands and submerged lands is revoked for gross and willful violation of the provisions of this act or other legislative enactment, or to compel compliance with the terms and conditions of the grant and any other provision of law including, but not limited to, this act.

SEC. 15. The lands described in Section 1 of this act are granted and conveyed to, and shall be held by, the city, and the lands specified in Section 2 of this act heretofore granted and conveyed to the city shall be held by the city, subject to the express reservation and condition that the state may at any time in the future use said lands or any portion thereof for highway purposes without compensation to the city, its successors or assigns, or any person, firm or public or private corporation claiming under it, except that in the event improvements have been placed upon the property taken by the state for such purposes, compensation shall be made to the person entitled thereto for the value of his interest in the improvements taken or the damages to such interest.

SEC. 16. The grant and conveyance in trust of tidelands and submerged lands to the city provided for by this act shall become effective only upon the written acceptance of such grant and conveyance by the city prior to September 1, 1971.

SEC. 17. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1087

An act to amend Section 9902.6 of the Business and Professions Code, relating to employment agencies.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 9902.6 of the Business and Professions Code is amended to read:

9902.6. The provisions of this chapter shall not apply to any person engaged in the business of management consulting and who in the course of said business acts solely on behalf of, and is compensated solely by, an employer to identify, appraise or recommend an individual or individuals for con-

sideration for an executive or professional position, provided that:

(a) The compensation for each such position is at the rate of not less than fifteen thousand dollars (\$15,000) per year.

(b) In no instance is the individual who is identified, appraised, or recommended for consideration for such position charged a deposit, retainer, or fee directly or indirectly in connection with such identification, appraisal, or recommendation, or for registration or for preparation of any résumé, or on account of any other personal service performed by the person engaged in the business of management consulting and who in the course of said business is retained by the employer to identify, appraise, or recommend individuals for executive or professional positions.

(c) In no instance does the person engaged in management consulting advertise positions for which the compensation is at the rate of less than fifteen thousand dollars (\$15,000) per year, or that any of the fees mentioned in subdivision (b) are charged by such person.

CHAPTER 1088

An act to add Sections 2636.5 and 2640.5 to the Business and Professions Code, relating to physical therapists.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 2636.5 is added to the Business and Professions Code, to read:

2636.5. (a) An applicant may be issued a license without a written examination if he meets all of the following:

(1) He is at the time of his application licensed or registered as a physical therapist in a state, district, or territory of the United States having, in the opinion of the examining committee, requirements for licensing or registration equal to or higher than those in California, and he has passed, to the satisfaction of the examining committee, an examination for such licensing or registration that is, in the opinion of the examining committee, comparable to the examination used in this state.

(2) He is a graduate of a school of physical therapy approved by the board.

(3) He files an application as provided in Section 2632 and meets the requirements prescribed by Sections 2635 and 2650.

(b) An applicant for licensure under subdivision (a), whose application is based on a certificate issued by a physical therapy licensing authority of another state five or more years prior to the date of the filing of his application with the board, shall be required to pass an oral examination given by the examining committee.

SEC. 2. Section 2640.5 is added to the Business and Professions Code, to read:

2640.5. A person who is subject to Section 40 of Chapter 1284 of the 1968 statutes who did not, on or before January 1, 1970, return his certificate or license pursuant to such section shall be subject to Sections 2452.1 and 2640.

CHAPTER 1089

An act to amend Section 19568 of the Welfare and Institutions Code, relating to blind rehabilitation.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 19568 of the Welfare and Institutions Code is amended to read:

19568. The California Industries for the Blind shall contribute not less than ten dollars (\$10) per month for each non-civil-service production worker for health insurance carried by such workers. The contributions shall be made only for health insurance plans approved by the Board of Control and shall be made from the California Industries for the Blind Manufacturing Fund.

CHAPTER 1090

An act to add Section 469 to the Penal Code, relating to criminal law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 469 is added to the Penal Code, to read:

469. Any person who knowingly makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, cause to be duplicated, or use, or has in his possession any key to a building or other area owned, operated, or controlled by the State of California, any state agency, board, or commission, a county, city, or any public school or community college district without authorization from the person in charge of such building or area or his designated representative and with knowledge of the lack of such authorization is guilty of a misdemeanor.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall

go into immediate effect. The facts constituting such necessity are:

In order for this act to provide protection for public schools and community college districts at the time the school semester begins in the fall, it is necessary that this act be given immediate effect.

CHAPTER 1091

An act to amend Sections 224n and 235 of the Civil Code, relating to parent and child.

[Approved by Governor September 14, 1970. Filed with
Secretary of State September 14, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 224n of the Civil Code is amended to read:

224n. The agency to which a child has been relinquished for adoption shall be responsible for the care of the child, and shall be entitled to the custody and control of the child at all times until a petition for adoption has been granted. Any placement for temporary care, or for adoption made by the agency, may be terminated at the discretion of the agency at any time prior to the granting of a petition for adoption. In the event of termination of any placement for temporary care or for adoption, the child shall be returned promptly to the physical custody of the agency.

No petition may be filed to adopt a child relinquished to a licensed adoption agency or a child declared free from the custody and control of either or both of his parents and referred to a licensed adoption agency for adoptive placement, except by the prospective adoptive parents with whom the child has been placed for adoption by the adoption agency. After the petition for adoption has been filed, the agency may remove the child from the prospective adoptive parents only with the approval of the court, upon motion by the agency after notice to the prospective adoptive parents, supported by an affidavit or affidavits stating the grounds on which removal is sought. If an agency refuses to consent to the adoption of a child by the person or persons with whom the agency placed the child for adoption, the superior court may nevertheless decree the adoption if it finds that the refusal to consent is not in the best interest of the child.

SEC. 2. Section 235 of the Civil Code is amended to read:

235. (a) The father or mother of such minor person, if his or her place of residence is known to the petitioner, or, if the place of residence of such father or mother is not known to the petitioner, then the grandparents and adult brothers, sisters, uncles, aunts, and first cousins of such minor person, if there are any and if their residences and relationships to such

person are known to the petitioner, shall be notified of the proceedings by service of a citation requiring such person or persons to appear at the time and place stated in such citation. Such citation shall be served in the manner provided by law for the service of a summons in a civil action, other than by publication. If the petition is filed for the purpose of freeing the child for placement for adoption, the citation shall so state. In all cases where one parent has relinquished his child for the purpose of adoption, or has signed a consent for adoption as provided in Sections 224m and 226, no notice as herein provided need be given to the parent who has signed such relinquishment or consent. Service of such citations shall be made at least 10 days before the time stated therein for such appearance.

(b) If the father or mother of such minor person or any person alleged to be or claiming to be the father or mother cannot, with reasonable diligence, be served as provided for in subdivision (a), or if his or her place of residence is not known to the petitioner, the petitioner or his agent or attorney shall make and file an affidavit, and shall state therein the name of the father or mother or alleged father or mother and his or her place of residence, if known to the petitioner, and the name of the father or mother or alleged father or mother whose place of residence is unknown to the petitioner. Thereupon the court shall make an order that the service be made by the publication of a citation requiring such father or mother or alleged father or mother to appear at the time and place stated therein, and that the citation be published in a newspaper to be named and designated as most likely to give notice to the father or mother or alleged father or mother to be served once a week for four successive weeks. In case of publication where the residence of a parent or alleged parent is known, the court shall also direct a copy of the citation to be forthwith served upon such parent or alleged parent by mail by deposit in the post office properly addressed and with the postage thereon fully prepaid, directed to such parent or alleged parent at his or her place of residence. When publication is ordered, service of a copy of the citation in the manner provided for in subdivision (a) is equivalent to publication and deposit in the post office. Service is complete at the expiration of the time prescribed by the order for publication or when service is made as provided for in subdivision (a), whichever event shall first occur.

If one or both of the parents of such minor person be unknown or if the name of either or both of his parents be uncertain, then such fact shall be set forth in the affidavit and the court shall order the citation to be directed to either the father or the mother, or both, of the minor person, naming and otherwise describing the minor person, and to all persons claiming to be the father or mother of the minor person.

CHAPTER 1092

An act to amend Sections 11513, 12784, 12813, 12818, 12824, and 12991 of, to add Section 12812 to, to add Article 5.5 (commencing with Section 12871) to Chapter 2 of Division 7 of, and to repeal Section 12812 of, the Agricultural Code, relating to economic poisons, and making an appropriation therefor.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 11513 of the Agricultural Code is amended to read:

11513. Any money which is derived under the provisions of Article 1 (commencing with Section 11701), Chapter 4 of, and Article 1 (commencing with Section 11901), Chapter 5 of, this division shall be paid into the State Treasury to the credit of the Department of Agriculture Fund. Any money in the Department of Agriculture Fund which is derived under the provisions of this division and Chapter 5 (commencing with Section 14501) of Division 7 of this code may be expended for the administration and enforcement of this division and Chapter 5 of Division 7, notwithstanding any other provision of law which limits the expenditure of any such money to the specific purposes or to the administration or enforcement of each of these portions of this code separately.

SEC. 1.5. Section 12784 of the Agricultural Code is amended to read:

12784. Any money which is received by the director pursuant to this chapter shall be paid into the State Treasury to the credit of the Department of Agriculture Fund. License fees and assessments received pursuant to this chapter shall be expended only for the administration and enforcement of Chapters 2 (commencing with Section 12751), 3 (commencing with Section 14001), and 3.5 (commencing with Section 14101) of Division 7.

SEC. 2. Section 12812 of the Agricultural Code is repealed.

SEC. 3. Section 12812 is added to the Agricultural Code, to read:

12812. The annual license fee for each product registered shall be forty dollars (\$40). The director may reduce the fee to a lesser amount, if he determines that such reduced fee will provide the funds necessary to accomplish the purposes of this chapter.

This section shall remain in effect only until the 91st day after adjournment of the 1972 Regular Session of the Legislature and shall have no force or effect after that date.

SEC. 4. Section 12813 of the Agricultural Code is amended to read:

12813. Any person that manufactures economic poisons which do not exceed a total retail value of two thousand dollars (\$2,000) per year shall pay an annual fee of twenty-five dollars (\$25) to the director. The payment of the fee shall permit the licensee to manufacture, import, or deal in two variously labeled economic poisons of varying name or composition. For each variety over two, an additional fee of ten dollars (\$10) shall be paid.

SEC. 5. Section 12818 of the Agricultural Code is amended to read:

12818. If renewal is not applied for within one calendar month after the expiration of a license or registration, there shall be added to the fee a penalty of five dollars (\$5) and an additional penalty of 10 percent of the original amount due, for each succeeding calendar month. The total penalty shall not, however, exceed 50 percent of the original amount due.

SEC. 6. Section 12824 of the Agricultural Code is amended to read:

12824. The director shall endeavor to eliminate from use in the state any economic poison which endangers the agricultural or nonagricultural environment, is not beneficial for the purposes for which it is sold, or is misrepresented. In carrying out this responsibility, he shall develop an orderly program for the continuous evaluation of all economic poisons actually registered.

Before a substance is registered as an economic poison for the first time there shall be a thorough evaluation in accordance with this section. Appropriate restrictions may be placed upon its use including, but not limited to, limitations on quantity, area and manner of application. All economic poisons for which renewal of registration is sought also shall be evaluated in accordance with this section.

The director may establish specific criteria to evaluate an economic poison with regard to the factors listed in Section 12825. The department may establish performance standards, and tests which are to be conducted or financed, or both, by the manufacturer of such economic poisons.

SEC. 7. Article 5.5 (commencing with Section 12871) is added to Chapter 2 of Division 7 of the Agricultural Code, to read:

Article 5.5. Container Code

12871. The department shall, as soon as possible, develop a simple and easily understood code for the identification of economic poisons as to their relative degree of toxicity or harmful propensity, and any other factors the director determines necessary for the safe and proper usage of the economic poison.

12872. Following the development of such a code, the director may, by regulation, issue and make effective such code, which shall include appropriate specifications for the

marking of containers with such codes so as to be readily visible and which shall clearly identify the contents as to the relative degree of toxicity and harmful propensity; provided that the regulations shall be issued in conformity with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, and only upon a finding by the director that such regulations are practical and will accomplish the purpose of this article.

SEC. 8. Section 12991 of the Agricultural Code is amended to read:

12991. It is unlawful for any person, by himself, or through another, in connection with the sale of any substance or mixture of substances included within the scope of this chapter, to do any of the following:

- (a) Make any material or substantial misrepresentation.
- (b) Make any false promises of a character likely to influence, induce or deceive.
- (c) Engage in illegitimate business or dishonest dealing.
- (d) Cause to be published or distributed any false or misleading literature, or cause to be displayed any false or misleading advertisement.
- (e) For any person to store or dispose of any economic poison, or of any container which holds or has held such economic poison, except in compliance with rules and regulations of the director.

SEC. 9. There is hereby appropriated from the Department of Agriculture Fund to the Department of Agriculture the sum of fifty-six thousand three hundred eight dollars (\$56,308) in augmentation of Item 61 of the Budget Act of 1970.

CHAPTER 1093

An act to amend Section 10953 of the Welfare and Institutions Code, relating to public assistance.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 10953 of the Welfare and Institutions Code is amended to read:

10953. A hearing under this chapter shall be conducted by referees employed by the department, unless the director orders that it shall be conducted by himself or by the administrative adviser of the department in behalf of the director; provided, however, the director may contract with the Office of Administrative Procedure to conduct hearings in cases involving complicated issues of fact or law, or to reduce the backlog of cases. The limitations placed upon the kinds of cases conducted by the Office of Administrative Procedure under this section shall not be considered jurisdictional.

Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to any hearing conducted under this chapter.

CHAPTER 1094

An act to amend Section 45308.1 of the Government Code, relating to retirement.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 45308.1 of the Government Code is amended to read:

45308.1. All funds received by city retirement systems and not required for current disbursements shall be invested only in:

(a) Securities which are legal for savings bank investments in this state, or which have been certified as legal investments for savings banks pursuant to Division 10 (commencing at Section 20000) of the Water Code.

(b) Securities which, pursuant to the statutes or laws providing for the issuance of such securities, are entitled to the same force or value or use as bonds issued by any municipality.

(c) Securities issued pursuant to those acts, statutes or laws of this state, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for either savings banks, insurance companies, all trust funds, state school funds, and any funds which may be invested in bonds of cities, counties, cities and counties, school districts, or municipalities in the state.

(d) Securities which have been investigated and approved by a commission or board now or hereafter authorized by law to conduct such investigation and give such approval, and by authority of which such securities are declared to be legal investments for insurers.

(e) Securities issued pursuant to those acts, statutes or laws of this state, wherein such law specifically states by reference or otherwise that such securities shall be legal investments for any pension fund, retirement fund, or retirement plan.

(f) Deposits at interest in any state or national bank in accordance with law authorizing and controlling the deposit of public funds in banks.

(g) Certificates and shares of a savings and loan association or a federal savings and loan association, if the certificates or shares are insured as defined in Title IV of the National Housing Act.

(h) Registered warrants of any political subdivision of this state.

(i) A contract with an insurance company to whom the insurance commissioner has issued a certificate of authority entitling it to transact life and disability insurance, which contract may be for a deposit administration or immediate participation guarantee type of group annuity for members of the retirement system whereby contributions paid to the insurance company will be held and used to pay benefits.

CHAPTER 1095

An act to amend Section 18102.10 of the Education Code, relating to special education programs, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 14, 1970 Filed with
Secretary of State September 14, 1970]

The people of the State of California do enact as follows:

SECTION 1. Section 18102.10 of the Education Code is amended to read:

18102.10. Beginning with the 1968-1969 fiscal year, for each special class or program for which a state allowance is provided under this article or under Section 18060 or 18062, each school district and each county superintendent of schools maintaining such special classes or programs shall report annually to the Superintendent of Public Instruction, on forms he shall provide, all expenditures and income related to each special class or program.

If the Superintendent of Public Instruction determines that the current expense of operating a special class or program as defined in the California School Accounting Manual does not equal or exceed the sum of basic state aid, and state equalization aid provided in the regular foundation program per unit of average daily attendance and the allowance provided under this article, and any amount of local tax funds contributed to the foundation program for each pupil in average daily attendance in the special class or program maintained by a school district for each pupil in average daily attendance in special classes or programs maintained by the county superintendent of schools, then the amount of such deficiency shall be withheld from state apportionments to the school district or the county superintendent of schools, as the case may be, in the succeeding fiscal year in accordance with the procedure prescribed in Section 17414.

For purposes of this section, expenditures for equipment for the 1968-69 fiscal year shall be considered by the Superintendent of Public Instruction as current expenses of operating a special class or program as defined in the California State Accounting Manual.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

To enable the Superintendent of Public Instruction to implement the provisions of this act during the entire 1969-1970 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 1096

An act to amend Section 18802 of the Education Code, relating to free or reduced-price meals for children.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 18802 of the Education Code is amended to read:

18802. No amount received by a school district or other public or private nonprofit school pursuant to this article or the National School Lunch Program shall be used to reduce the level of district or school expenditures for any existing program of free or reduced-price meals, unless free or reduced-price lunches are provided for each eligible needy child.

CHAPTER 1097

An act to amend Section 75.7 of the Streets and Highways Code, relating to state highways.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.

- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Impact on agricultural values.

SEC. 2. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Noise impact upon the communities affected.
- (k) Impact on agricultural values.

SEC. 3. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Impact on agricultural values.
- (k) Environmental values and impact on the ecology of the area.

- (l) Local and regional plans.

SEC. 4. Section 75.7 of the Streets and Highways Code is amended to read:

75.7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public agencies a report thereon which shall contain the basis for its

decision, including, but not limited to, the consideration given to the following factors:

- (a) Driver benefits.
- (b) Community values.
- (c) Recreational and park areas.
- (d) Historical and aesthetic values.
- (e) Property values, including impact on local tax rolls.
- (f) State and local public facilities.
- (g) City street and county road traffic.
- (h) Total projected regional transportation requirements.
- (i) Information furnished by any school district.
- (j) Noise impact upon the communities affected.
- (k) Impact on agricultural values.
- (l) Environmental values and impact on the ecology of the area.
- (m) Local and regional plans.

SEC. 5. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and S.B. 1077, but not those proposed by A.B. 1991, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 2 of this act. Therefore, in the event S.B. 1077 is enacted and amends Section 75.7, Section 2 of this act shall become operative at the same time that Section 75.7 as amended by S.B. 1077 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 3, and 4 of this act is repealed.

SEC. 6. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by both this bill and A.B. 1991, but not those proposed by S.B. 1077, are enacted, that both amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 3 of this act. Therefore, in the event A.B. 1991 is enacted and amends Section 75.7, Section 3 of this act shall become operative at the same time that Section 75.7 as amended by A.B. 1991 becomes operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 4 of this act is repealed.

SEC. 7. It is the intent of the Legislature, if amendments to Section 75.7 of the Streets and Highways Code proposed by this bill, A.B. 1991, and S.B. 1077 are enacted, that all three amendments be given effect and incorporated in Section 75.7 in the form set forth in Section 4 of this act. Therefore, in the event that both A.B. 1991 and S.B. 1077 are enacted and amend Section 75.7, Section 4 of this act shall become operative at the same time that Section 75.7 as amended by A.B. 1991 and S.B. 1077 become operative, and at that time, Section 75.7 of the Streets and Highways Code as amended by Sections 1, 2, and 3 of this act is repealed.

CHAPTER 1098

An act to amend Sections 11500, 11500.5, 11501, 11502, 11502.1, 11530, 11530.1, 11530.5, 11531, 11532, 11540, 11557, 11715.6, 11910, 11911, 11912, and 11913 of the Health and Safety Code, relating to narcotic and restricted dangerous drugs.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11500 of the Health and Safety Code is amended to read:

11500. Except as otherwise provided in this division, every person who possesses any narcotic other than marijuana, except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than two years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than five years or more than 20 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 2. Section 11500.5 of the Health and Safety Code is amended to read:

11500.5. Except as otherwise provided in this division, every person who possesses for sale any narcotic other than marijuana shall be punished by imprisonment in the state prison for a period of not less than five years or more than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 2½ years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than six years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 3. Section 11501 of the Health and Safety Code is amended to read:

11501. Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any narcotic other than marijuana, except upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than three years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911,

11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 4. Section 11502 of the Health and Safety Code is amended to read:

11502. Every person 21 years of age or over who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11721 with respect to a narcotic other than marijuana, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he

shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 5. Section 11502.1 of the Health and Safety Code is amended to read:

11502.1. Every person under the age of 21 years who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall knowingly violate any provision of this chapter or Section 11721, who hires, employs, or uses a minor to knowingly and unlawfully transport, carry, sell, give away, prepare for sale, or peddle any narcotic other than marijuana, or who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any narcotic other than marijuana to a minor shall be punished by imprisonment in the state prison for a period of not less than five years.

If such person has been previously convicted of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than 10 years.

This section is not intended to affect the jurisdiction of the juvenile court.

SEC. 6. Section 11530 of the Health and Safety Code is amended to read:

11530. Every person who possesses any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not less than one year or more than 10 years.

If such person has been previously convicted once of any

felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than two years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

SEC. 7. Section 11530.1 of the Health and Safety Code is amended to read:

11530.1. Every person who plants, cultivates, harvests, dries, or processes any marijuana or any part thereof, except as otherwise provided by law, shall be punished by imprisonment in the state prison for a period of not less than one year or more than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than one year in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than two years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws

of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

SEC. 8. Section 11530.5 of the Health and Safety Code is amended to read:

11530.5. Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than two years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than five years or more than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than three years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than six years in the state prison.

SEC. 9. Section 11531 of the Health and Safety Code is amended to read:

11531. Every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to

transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than three years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913 the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

SEC. 10. Section 11532 of the Health and Safety Code is amended to read:

11532. Every person 21 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give any marijuana to a minor, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state,

would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11911, 11912, or 11913, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

SEC. 11. Section 11540 of the Health and Safety Code is amended to read:

11540. Every person who plants, cultivates, harvests, dries, or processes any plant of the genus *Lophophora*, also known as peyote, or any part thereof shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not more than 10 years.

If such person has been previously convicted of any offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as an offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years.

SEC. 12. Section 11557 of the Health and Safety Code is amended to read:

11557. Every person who opens or maintains any place for the purpose of unlawfully selling, giving away, or using any narcotic shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not more than 10 years.

If such person has been previously convicted of any offense described in this division or Section 11911, 11912, or 11913 or of any offense under the laws of any other state or the United

States which, if committed in this state, would have been punishable as an offense described in this division or Section 11911, 11912, or 11913, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial c: if admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years.

SEC. 13 Section 11715.6 of the Health and Safety Code is amended to read:

11715.6 Any person convicted of violating Section 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, or 11715, or of committing any offense referred to in those sections shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court, if he has been previously convicted of any felony offense described in this division or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division, except Section 11721.

Any person who was 21 years of age or over at the time of the commission of the offense and is convicted for the first time of selling, furnishing, administering, or giving a narcotic other than marijuana to a minor or inducing a minor to use such a narcotic in violation of law shall not, in any case, be granted probation by the trial court or have the execution of the sentence imposed upon him suspended by the court.

SEC. 14. Section 11910 of the Health and Safety Code is amended to read:

11910. Except as otherwise provided in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any restricted dangerous drug, except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the county jail for a period of not more than one year or the state prison for a period of not less than one year nor more than 10 years.

If such person has been previously convicted once of any felony offense described in this division, of a conspiracy to commit any offense described in this division, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as an offense described in this division, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than two years or more than 20 years and shall not be eligible for re-

lease upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than two years in the state prison.

SEC 15. Section 11911 of the Health and Safety Code is amended to read:

11911 Except as otherwise provided in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code every person who possesses for sale any restricted dangerous drug shall be punished by imprisonment in the state prison for a period of not less than two years or more than 10 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for not less than two years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557 or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540 or 11557, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of not less than five years or more than 15 years and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for not less than three years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557 of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540 or 11557, or of any offense under the laws of any other state or the United States which if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than six years in the state prison.

SEC. 16. Section 11912 of the Health and Safety Code is amended to read:

11912. Except as otherwise provided in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, manufactures, compounds, furnishes, administers, or gives away, or offers to transport, import into this state, sell, manufacture, compound, furnish, administer, or give away, or attempts to import into this state or transport any restricted dangerous drug, except upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than three years.

If such person has been previously convicted once of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, the previous conviction shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of five years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, the previous convictions shall be charged in the indictment or information and, if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in a state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

SEC. 17. Section 11913 of the Health and Safety Code is amended to read:

11913 Every person 21 years of age or over who violates any provision of this chapter involving restricted dangerous drugs by the use of a minor as agent who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter involving restricted dangerous drugs or who unlawfully furnishes, offers to furnish, or attempts to furnish restricted dangerous drugs to a minor shall be punished by imprisonment in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than five years in the state prison.

If such person has been previously convicted once of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, the previous conviction shall be charged in the indictment or information and if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 10 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 10 years in the state prison.

If such person has been previously convicted two or more times of any felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, of a conspiracy to commit any offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, or of any offense under the laws of any other state or the United States which, if committed in this state, would have been punishable as a felony offense described in this division or Section 11500.5, 11501, 11502, 11502.1, 11530.1, 11530.5, 11531, 11532, 11540, or 11557, the previous convictions shall be charged in the indictment or information and if found to be true by the jury upon a jury trial or by the court upon a court trial or if admitted by the person, he shall be imprisoned in the state prison for a period of 15 years to life and shall not be eligible for release upon completion of sentence or on parole or any other basis until he has been imprisoned for a period of not less than 15 years in the state prison.

Nothing contained in this section shall apply to a registered pharmacist furnishing such drugs pursuant to a prescription.

CHAPTER 1099

An act to amend Section 14002 of the Agricultural Code, and to amend Sections 844.6, 845.4, 845.6, 845.8, 854.2, 854.4, 851.8, 855.2, 856, and 856.2 of, and to add Sections 816, 851.3, and 854.5 to, and to add Chapter 7 (commencing with Section 862) to Part 2 of Division 3.6 of Title 1 of, the Government Code, relating to the liability of public entities and public employees.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14002 of the Agricultural Code is amended to read:

14002. This chapter applies to all agencies of the United States and the State of California and its subdivisions or to their officers, agents, or employees, except when acting within the scope of their authority and while engaged in conducting or supervising research on any injurious material. Nothing in this section affects the liability of a public entity under Section 862 of the Government Code.

SEC. 3. Section 816 is added to the Government Code, to read:

816. Notwithstanding Section 821.8, a public entity is liable for actual damage to property or for substantial interference with the possession or use of property where such damage or interference arises from an entry pursuant to Section 1242 or 1242.5 of the Code of Civil Procedure upon the property by the public entity to make studies, surveys, examinations, tests, soundings, or appraisals or to engage in similar activities.

SEC. 5. Section 844.6 of the Government Code is amended to read:

844.6 (a) Notwithstanding any other provision of this part, except as provided in this section and in Sections 814, 814.2, 845.4, and 845.6, a public entity is not liable for:

(1) An injury proximately caused by any prisoner.

(2) An injury to any prisoner.

(b) Nothing in this section affects the liability of a public entity under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code.

(c) Except for an injury to a prisoner, nothing in this section prevents recovery from the public entity for an injury resulting from the dangerous condition of public property under Chapter 2 (commencing with Section 830) of this part.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission. The public entity may but is not required to pay any judgment, compromise or settlement, or may but is not required to indemnify any public employee, in

any case where the public entity is immune from liability under this section: except that the public entity shall pay, as provided in Article 4 (commencing with Section 825) of Chapter 1 of this part, any judgment based on a claim against a public employee who is lawfully engaged in the practice of one of the healing arts under any law of this state for malpractice arising from an act or omission in the scope of his employment, and shall pay any compromise or settlement of a claim or action, based on such malpractice, to which the public entity has agreed.

SEC. 6. Section 845.4 of the Government Code is amended to read:

845.4. Neither a public entity nor a public employee acting within the scope of his employment is liable for interfering with the right of a prisoner to obtain a judicial determination or review of the legality of his confinement; but a public employee, and the public entity where the employee is acting within the scope of his employment, is liable for injury proximately caused by the employee's intentional and unjustifiable interference with such right, but no cause of action for such injury shall be deemed to accrue until it has first been determined that the confinement was illegal.

SEC. 7. Section 845.6 of the Government Code is amended to read:

845.6. Neither a public entity nor a public employee is liable for injury proximately caused by the failure of the employee to furnish or obtain medical care for a prisoner in his custody; but, except as otherwise provided by Sections 855.8 and 856, a public employee, and the public entity where the employee is acting within the scope of his employment, is liable if the employee knows or has reason to know that the prisoner is in need of immediate medical care and he fails to take reasonable action to summon such medical care. Nothing in this section exonerates a public employee who is lawfully engaged in the practice of one of the healing arts under any law of this state from liability for injury proximately caused by malpractice or exonerates the public entity from its obligation to pay any judgment, compromise, or settlement that it is required to pay under subdivision (d) of Section 844.6.

SEC. 8. Section 845.8 of the Government Code is amended to read:

845.8. Neither a public entity nor a public employee is liable for:

(a) Any injury resulting from determining whether to parole or release a prisoner or from determining the terms and conditions of his parole or release or from determining whether to revoke his parole or release.

(b) Any injury caused by:

(1) An escaping or escaped prisoner;

(2) An escaping or escaped arrested person; or

(3) A person resisting arrest.

SEC. 9. Section 854.2 of the Government Code is amended to read:

854.2. As used in this chapter, "mental institution" means any state hospital for the care and treatment of the mentally disordered or the mentally retarded, the California Rehabilitation Center referred to in Section 3300 of the Welfare and Institutions Code, or any county psychiatric hospital.

SEC. 10. Section 854.3 is added to the Government Code, to read:

854.3. As used in this chapter, "county psychiatric hospital" means the hospital, ward, or facility provided by the county pursuant to the provisions of Section 7100 of the Welfare and Institutions Code.

SEC. 11. Section 854.4 of the Government Code is amended to read:

854.4. As used in this chapter, "mental illness or addiction" means any condition for which a person may be detained, cared for, or treated in a mental institution, in a facility designated by a county pursuant to Chapter 2 (commencing with Section 5150) of Part 1 of Division 5 of the Welfare and Institutions Code, or in a similar facility.

SEC. 12. Section 854.5 is added to the Government Code, to read:

854.5. As used in this chapter, "confine" includes admit, commit, place, detain, or hold in custody.

SEC. 13. Section 854.8 of the Government Code is amended to read:

854.8. (a) Notwithstanding any other provision of this part, except as provided in this section and in Sections 814, 814.2, 855, and 855.2, a public entity is not liable for:

(1) An injury proximately caused by a patient of a mental institution.

(2) An injury to an inpatient of a mental institution

(b) Nothing in this section affects the liability of a public entity under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code.

(c) Except for an injury to an inpatient of a mental institution, nothing in this section prevents recovery from the public entity for an injury resulting from the dangerous condition of public property under Chapter 2 (commencing with Section 830) of this part.

(d) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission. The public entity may but is not required to pay any judgment, compromise or settlement, or may but is not required to indemnify any public employee, in any case where the public entity is immune from liability under this section; except that the public entity shall pay, as provided in Article 4 (commencing with Section 825) of Chapter 1 of this part, any judgment based on a claim against a public employee who is lawfully engaged in the practice of one of the healing arts under any law of this state for malpractice arising from an act or omission in the scope of his

employment, and shall pay any compromise or settlement of a claim or action, based on such malpractice, to which the public entity has agreed.

SEC. 14. Section 855.2 of the Government Code is amended to read:

855.2. Neither a public entity nor a public employee acting within the scope of his employment is liable for interfering with the right of an inmate of a medical facility operated or maintained by a public entity to obtain a judicial determination or review of the legality of his confinement; but a public employee, and the public entity where the employee is acting within the scope of his employment, is liable for injury proximately caused by the employee's intentional and unjustifiable interference with such right, but no cause of action for such injury shall be deemed to accrue until it has first been determined that the confinement was illegal.

SEC. 15. Section 856 of the Government Code is amended to read:

856. (a) Neither a public entity nor a public employee acting within the scope of his employment is liable for any injury resulting from determining in accordance with any applicable enactment:

(1) Whether to confine a person for mental illness or addiction.

(2) The terms and conditions of confinement for mental illness or addiction.

(3) Whether to parole, grant a leave of absence to, or release a person confined for mental illness or addiction.

(b) A public employee is not liable for carrying out with due care a determination described in subdivision (a).

(c) Nothing in this section exonerates a public employee from liability for injury proximately caused by his negligent or wrongful act or omission in carrying out or failing to carry out:

(1) A determination to confine or not to confine a person for mental illness or addiction.

(2) The terms or conditions of confinement of a person for mental illness or addiction.

(3) A determination to parole, grant a leave of absence to, or release a person confined for mental illness or addiction.

SEC. 16. Section 856.2 of the Government Code is amended to read:

856.2. (a) Neither a public entity nor a public employee is liable for:

(1) An injury caused by an escaping or escaped person who has been confined for mental illness or addiction.

(2) An injury to, or the wrongful death of, an escaping or escaped person who has been confined for mental illness or addiction.

(b) Nothing in this section exonerates a public employee from liability:

(1) If he acted or failed to act because of actual fraud, corruption, or actual malice.

(2) For injuries inflicted as a result of his own negligent or wrongful act or omission on an escaping or escaped mental patient in recapturing him.

SEC. 17. Chapter 7 (commencing with Section 862) is added to Part 2 of Division 3.6 of Title 1 of the Government Code, to read:

CHAPTER 7. USE OF PESTICIDES

862. (a) As used in this section, "pesticide" means:

(1) An "economic poison" as defined in Section 12753 of the Agricultural Code;

(2) An "injurious material" the use of which is regulated or prohibited under Chapter 3 (commencing with Section 14001) of Division 7 of the Agricultural Code; or

(3) Any material used for the same purpose as material referred to in paragraphs (1) and (2).

(b) A public entity is liable for injuries caused by its use of a pesticide to the same extent as a private person except that no presumption of negligence arises from the failure of a public entity or a public employee to comply with a provision of a statute or regulation relating to the use of a pesticide if the statute or regulation by its terms is made inapplicable to the public entity or the public employee.

(c) Sections 11761 to 11765 of the Agricultural Code, relating to reports of loss or damages from the use of pesticides, apply in an action against a public entity under this section.

CHAPTER 1100

An act to add Article 5.1 (commencing with Section 75095) to Chapter 11 of Title 8 of the Government Code, relating to the Judges' Retirement Law.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 5.1 (commencing with Section 75095) is added to Chapter 11 of Title 8 of the Government Code, to read:

Article 5.1. Surviving Children Benefits

75095. The benefits of this article are payable only to the surviving children of a judge who elects to come within this article. Any person who becomes a judge after the effective date of this section may elect to come within this article within six months after becoming a judge.

Any person who is a judge on the effective date of this sec-

tion may elect to come within the provisions of this article on or before July 1, 1971.

75096. The monthly allowance payable pursuant to Section 75091 shall be paid to the guardian of surviving unmarried children while under 18 years of age or under the age of 22 and full-time students, of a judge who dies prior to retirement under this chapter without a surviving spouse or in the event that the surviving spouse of such a judge dies after his death. The amount paid shall be divided equally among the children.

“Children” for the purposes of this section shall be limited to dependent children and stepchildren of the judge at the time of his death.

Election to come within this article shall be made by filing a written notice thereof with the Secretary of State. Any such election by a judge may thereafter be revoked by the judge and a reelection may be made at any time after such revocation.

75097. Any judge electing to come within this article shall contribute two dollars (\$2) a month to the Judges’ Retirement Fund. The contribution shall be deducted from the monthly salary of each judge so electing by the State Controller and each county auditor in the same manner as deductions are made pursuant to Sections 75102 and 75103. The Legislature reserves the right to increase the rate of contribution prescribed by this section in such amount as it may find appropriate.

CHAPTER 1101

An act to amend Sections 73641 and 73951 of, and to add Section 73953.1 to, the Government Code, relating to courts.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 73641 of the Government Code is amended to read:

73641. There shall be four judges.

SEC. 2. Section 73951 of the Government Code is amended to read:

73951. There shall be five judges.

SEC. 3. Section 73953.1 is added to the Government Code, to read:

73953.1. In the event that there shall be an increase in the number of judges as provided in Sections 73641 and 73951, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II and one deputy clerk I for each respective additional judge so appointed. Such additional deputy clerks shall receive a monthly salary at a rate specified in the appropriate schedule provided in Section 74343.1. Appointment to deputy clerk shall be at step B of the schedule.

CHAPTER 1102

*An act to amend Section 69586 of the Government Code,
relating to superior courts.*

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69586 of the Government Code is amended to read.

69586 In the County of Los Angeles there shall be 149 judges of the superior court, any one or more of whom may hold court.

CHAPTER 1103

*An act to amend Section 13353 of the Vehicle
Code, relating to chemical tests.*

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine, and he shall be advised by the officer that he has such choice.

Such person shall also be advised by the officer that he does not have the right to have an attorney present before stating whether he will submit to a test, before deciding which test to take, or during administration of the test chosen.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure

to submit to the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and if so requested, the arresting officer shall have the test performed.

Sec 2 Section 13353 of the Vehicle Code is amended to read:

13353. (a) Any person who drives a motor vehicle upon a highway shall be deemed to have given his consent to a chemical test of his blood, breath or urine for the purpose of determining the alcoholic content of his blood if lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor. The test shall be incidental to a lawful arrest and administered at the direction of a peace officer having reasonable cause to believe such person was driving a motor vehicle upon a highway while under the influence of intoxicating liquor. Such person shall be told that his failure to submit to or complete such a chemical test will result in the suspension of his privilege to operate a motor vehicle for a period of six months.

The person arrested shall have the choice of whether the test shall be of his blood, breath or urine and he shall be advised by the officer that he has such choice. If the person arrested either is incapable or states that he is incapable, of completing any chosen test he shall then have the choice of submitting to and completing any of the remaining tests or test, and he shall be advised by the officer that he has such choice.

Such person shall also be advised by the officer that he does not have the right to have an attorney present before stating whether he will submit to a test, before deciding which test to take or during administration of the test chosen.

Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent and such tests may be administered whether or not such person is told that his failure to submit to or complete the test will result in the suspension of his privilege to operate a motor vehicle.

(b) If any such person refuses the officer's request to submit to, or fails to complete, a chemical test, the department, upon receipt of the officer's sworn statement that he had reasonable cause to believe such person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor and that the person had refused to submit to, or failed to complete the test after being requested by the officer, shall suspend his privilege to operate a motor vehicle for a period of six months. No such suspension shall become effective until 10 days after the giving of written notice thereof, as provided for in subdivision (c).

(c) The department shall immediately notify such person in writing of the action taken and upon his request in writing and within 15 days from the date of receipt of such request shall afford him an opportunity for a hearing in the same manner and under the same conditions as provided in Article 3 (commencing with Section 14100) of Chapter 3 of this division. For the purposes of this section the scope of the hearing shall cover the issues of whether the peace officer had reasonable cause to believe the person had been driving a motor vehicle upon a highway while under the influence of intoxicating liquor, whether the person was placed under arrest, whether he refused to submit to, or failed to complete, the test after being requested by a peace officer, and whether, except for the persons described in paragraph (a) above who are incapable of refusing, he had been told that his driving privilege would be suspended if he refused to submit to, or failed to complete, the test.

An application for a hearing made by the affected person within 10 days of receiving notice of the department's action shall operate to stay the suspension by the department for a period of 15 days during which time the department must afford a hearing. If the department fails to afford a hearing within 15 days, the suspension shall not take place until such time as the person is granted a hearing and is notified of the department's action as hereinafter provided. However, if the affected person requests that the hearing be continued to a date beyond the 15-day period, the suspension shall become effective immediately upon receipt of the department's notice that said request for continuance has been granted.

If the department determines upon a hearing of the matter to suspend the affected person's privilege to operate a motor vehicle, the suspension herein provided shall not become effective until five days after receipt by said person of the department's notification of such suspension.

(d) Any person who is afflicted with hemophilia shall be exempt from the blood test required by this section.

(e) Any person who is afflicted with a heart condition and is using an anticoagulant under the direction of a physician and surgeon shall be exempt from the blood test required by this section.

(f) A person lawfully arrested for any offense allegedly committed while the person was driving a motor vehicle under the influence of intoxicating liquor may request the arresting officer to have a chemical test made of the arrested person's blood, breath or urine for the purpose of determining the alcoholic content of such person's blood, and, if so requested, the arresting officer shall have the test performed.

SEC 3 It is the intent of the Legislature, if amendments to Section 13353 of the Vehicle Code proposed by both this bill and Assembly Bill No. 623 are enacted, that both amendments be given effect and incorporated in Section 13353 in the form set forth in Section 2 of this act. Therefore, in the event

Assembly Bill No. 623 is enacted and amends Section 13353, Section 2 of this act shall become operative at the same time that Section 13353 as amended by Assembly Bill No. 623 becomes operative and at that time Section 13353 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1104

An act to amend Sections 69592 and 69748.1 of the Government Code, relating to superior courts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69592 of the Government Code is amended to read:

69592. In the County of Riverside there shall be 11 judges of the superior court. On and after July 1, 1971, there shall be 12 judges.

SEC. 2. Section 69748.1 of the Government Code is amended to read:

69748.1. At least one session of the superior court shall be held in each city to which all of the following conditions apply:

(a) The city hall is not less than 70 miles from the site of the county courthouse.

(b) The city has a population of not less than 9,700.

(c) Within the 30-mile radius from the city hall there is a population of not less than 56,000.

(d) There are residing in the county at least 40 miles from the county courthouse not less than 69,000 persons, some of whom would be required to travel 80 miles to attend court at such city and at least 70 miles farther in order to attend the superior court at the county courthouse, or any other place where sessions of the superior court have been established.

At least four sessions of the superior court shall be held in each city to which all of the foregoing conditions apply, and which city in addition is located in a county in which there are at least 12 judges of the superior court.

CHAPTER 1105

An act to amend Section 25541.7 of the Education Code, relating to junior college districts.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 25541.7 of the Education Code is amended to read:

25541.7. (a) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such seventh consecutive year expires on July 1, 1971.

(b) The increases in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the fifth consecutive fiscal year following the date of the first election at which the first district bond issue for junior college purposes is passed, in junior college districts in which such fifth consecutive fiscal year expires on July 1, 1971.

(c) The increase in the maximum rate of tax authorized by Section 25541.5 shall remain in effect until the end of the seventh consecutive fiscal year following the date of the first election at which a bond issue for a junior college was passed in any junior college district in which such seventh consecutive fiscal year ends on June 30, 1975, and such first bond issue passed provided for the issuance of bonds at a rate of interest of 5 percent.

CHAPTER 1106

An act to amend Sections 4456 and 11705 of, and to add Section 4456.5 to, the Vehicle Code, relating to dealers.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4456 of the Vehicle Code is amended to read:

4456. (a) The department may authorize dealers licensed under Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 to use numbered copies of the report of sale form and corresponding temporary identification devices upon vehicles they sell.

(b) Such copies and identification devices shall be used pursuant to rules and regulations prescribed by the department and upon the terms and conditions set forth in this section.

(c) New and used vehicles not licensed in this state may be operated without license plates or registration cards and used vehicles licensed in this state may be operated without registration cards not to exceed 20 days from the date sold by a dealer or until the license plates or cards are received from the department when a copy of the report of sale form and the temporary identification device are used and displayed in ac-

cordance with the rules and regulations of the department, provided that the dealer meets the following terms and conditions:

(1) The copy of the report of sale and its corresponding temporary identification device shall be affixed to the appropriate vehicle upon delivery to a purchaser.

(2) All fees and any penalties which may be due the department to register or transfer registration of the vehicle are paid over to the department by the selling dealer within 20 days of the sale.

(3) The sale of the vehicle shall be reported to the department as required by Section 5901.

(4) An application in proper form to register the vehicle or to effect transfer of ownership, together with required supporting documents, shall be made by the dealer to the department on behalf of the purchaser within 20 days of the sale.

(d) The use by any dealer of a report of sale copy as provided herein shall obligate the dealer to pay the fees and penalties determined by the department to be due on the vehicle under Division 3 (commencing with Section 4000) of the Vehicle Code and Part 5 (commencing with Section 10701) Division 2 of the Revenue and Taxation Code and which have been advanced to the dealer by the customer either by cash, trade-in or under the provisions of a contract, and those penalties which have accrued because of failure of the dealer to make timely or proper application for his customer.

SEC. 2 Section 4456.5 is added to the Vehicle Code, to read:

4456.5. (a) Other provisions of Section 4456 notwithstanding, a dealer who has complied with all the requirements of subdivision (c) of Section 4456 except paragraph (4) shall, upon payment of a forfeiture fee of three dollars (\$3) to the department, be allowed an additional 10 days to present to the department an application and documents in acceptable form.

(b) Following the payment of the three dollar (\$3) forfeiture fee as described in subdivision (a) and upon a showing of diligent efforts to procure documents or information from another person or persons to enable such dealer to register or transfer registration within such 30 days, such dealer shall be allowed an additional 10 days to present to the department an application and documents in acceptable form. Two demands by such dealer upon another person or persons for such documents or information by United States certified mail, postage prepaid, return receipt requested, within 30 days from the date of sale of such vehicle shall satisfy the requirement of such diligent efforts. The director may accept other evidence of such diligent efforts.

(c) Notwithstanding any other provision of this code, the three dollar (\$3) forfeiture payment provided by this section shall constitute the sole cause of action arising from noncompliance with paragraphs (3) and (4) of subdivision (c) of Section

4456 by the dealer. Any application to register or transfer a vehicle on behalf of a purchaser more than 40 days following the date of sale, however, shall be deemed to constitute a rebuttable presumption of failure or neglect and shall provide *prima facie* grounds for proceedings under Section 11705.

SEC. 3. Section 11705 of the Vehicle Code is amended to read:

11705. The department after notice and hearing may suspend or revoke the license and certificate issued to a dealer, transporter, or manufacturer, upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for the registration of a vehicle or otherwise committed a fraud in such application, failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership, has knowingly purchased, sold, or otherwise acquired or disposed of a stolen motor vehicle, failed to provide and maintain a clear physical division between the type of business licensed hereunder and any other type of business conducted at the established place of business, or has violated one or more of the terms and provisions of Division 3 (commencing with Section 4000), Division 4 (commencing with Section 10500), or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 of this code, or any of the rules and regulations adopted pursuant to the provisions of Division 3 (commencing with Section 4000) or Article 1 (commencing with Section 11700) of Chapter 4 of Division 5 or Section 1651 of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, or Chapter 2b (commencing with Section 2981) of Title 14 of Part 4 of Division 3 of the Civil Code, or has been convicted of a felony or a crime involving moral turpitude.

When a check, draft, or money order submitted to the department by any transporter, manufacturer, or dealer for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend or revoke a license and certificate issued to such transporter, manufacturer, or dealer.

Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause, after notice and hearing, to suspend or revoke a license and certificate issued to a transporter, manufacturer, or dealer.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 1107

An act to validate certain purchases by school districts of certain trailer coaches for use as school classrooms.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Notwithstanding the provisions of Section 15352.5 of the Education Code, any purchase of a trailer coach of greater than 16 feet in width made between December 1, 1969, and June 30, 1970, by any school district, if otherwise completed pursuant to law, shall be deemed valid and effective. Nothing in Section 15515 of the Education Code or any other provision of law which might otherwise relieve from or limit the liability of a member of a school district governing board shall apply with respect to the members of the governing board of a school district which has purchased a trailer coach and which purchase has been made valid and effective by the provisions of this act.

CHAPTER 1108

An act to amend Section 72602 and to repeal Section 72602.8 of the Government Code, relating to judges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	64
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	3
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	3

Santa Monica Municipal Court District -----	3
Burbank Municipal Court District -----	2
Glendale Municipal Court District -----	2
Pasadena Municipal Court District -----	4
El Monte Municipal Court District -----	3
Pomona Municipal Court District -----	3
South Gate Municipal Court District -----	1
Citrus Judicial District -----	4
Antelope Municipal Court District -----	1
Culver Municipal Court District -----	1
Newhall Municipal Court District -----	2

SEC. 2. Section 72602.8 of the Government Code is repealed.

CHAPTER 1109

An act to amend Section 216 of, and to add Sections 230.5 and 230.6 to, the Public Utilities Code, relating to sewer system corporations.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 216 of the Public Utilities Code is amended to read:

216. (a) "Public utility" includes every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger, warehouseman, and heat corporation, where the service is performed for or the commodity delivered to the public or any portion thereof.

(b) Whenever any common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger, warehouseman, or heat corporation performs a service or delivers a commodity to the public or any portion thereof for which any compensation or payment whatsoever is received, such common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, wharfinger, warehouseman, or heat corporation, is a public utility subject to the jurisdiction, control, and regulation of the commission and the provisions of this part.

(c) When any person or corporation performs any service or delivers any commodity to any person, private corporation, municipality or other political subdivision of the state, which in turn either directly or indirectly, mediately or immediately, performs such service or delivers such commodity to or for

the public or some portion thereof, such person or corporation is a public utility subject to the jurisdiction, control, and regulation of the commission and the provisions of this part.

SEC. 2. Section 230.5 is added to the Public Utilities Code, to read:

230.5. "Sewer system" includes all real estate, fixtures, and personal property owned, controlled, operated, or managed in connection with or to facilitate sewage collection, treatment, or disposition for sanitary or drainage purposes, including any and all lateral and connecting sewers, interceptors, trunk and outfall lines and sanitary sewage treatment or disposal plants or works, and any and all drains, conduits, and outlets for surface or storm waters, and any and all other works, property or structures necessary or convenient for the collection or disposal of sewage, industrial waste, or surface or storm waters. "Sewer system" shall not include a sewer system which merely collects sewage on the property of a single owner.

SEC. 3. Section 230.6 is added to the Public Utilities Code, to read:

230.6. "Sewer system corporation" includes every corporation or person owning, controlling, operating, or managing any sewer system for compensation within this state.

SEC. 4. The provisions of this act shall become operative July 1, 1971.

CHAPTER 1110

An act to add an article heading immediately preceding Section 1000 of, and to add Article 2 (commencing with Section 1050) to Chapter 2 of Division 2 of the Business and Professions Code, and to amend Sections 13401 and 13404 of the Corporations Code, relating to chiropractors.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. An article heading is added immediately preceding Section 1000 of the Business and Professions Code, to read:

Article 1. General

SEC. 2. Article 2 (commencing with Section 1050) is added to Chapter 2 of Division 2 of the Business and Professions Code, to read:

Article 2. Chiropractic Corporations

1050. A chiropractic corporation is a corporation which is registered with the State Board of Chiropractic Examiners with reference to corporations rendering professional services as chiropractors and has a currently effective certificate of

registration from the board pursuant to the Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such chiropractic corporation is entitled to practice chiropractic. With respect to a chiropractic corporation, the governmental agency referred to in the Professional Corporation Act is the State Board of Chiropractic Examiners with reference to corporations rendering professional services as chiropractors. As used in this article, the "board" refers to the State Board of Chiropractic Examiners.

1051. An applicant for registration as a chiropractic corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operations. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer as provided in Section 1055, director, shareholder and each employee who will render professional services is a licensed person as defined in the Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration.

1053. Each chiropractic corporation shall file with the board a report containing such information relating to professional corporations as may be required by board regulations as well as information required by law. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

1054. Notwithstanding any other provision of law, the name of a chiropractic corporation and any name or names under which it may be rendering professional services, shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, and shall include the word "chiropractic" and the word "corporation" or wording or abbreviations denoting corporate existence.

1055. Except as provided in Section 13403 of the Corporations Code, relating to the Professional Corporation Act, each director and each officer of a chiropractic corporation, except an assistant secretary and an assistant treasurer, shall be a licensed person as defined in the Professional Corporation Act.

1056. The income of a chiropractic corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the chiropractic corporation.

1057. A chiropractic corporation shall not do or fail to do any act the doing of which or the failure to do which would

constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a license under the Chiropractic Act. The board shall have the same powers of suspension, revocation and discipline against a chiropractic corporation as are now or hereafter authorized by the initiative measure mentioned in Section 1000 or by any other similar statute against individual licensees, provided, however, that proceedings against a chiropractic corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of a chiropractic corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that a chiropractic corporation as a condition of obtaining a certificate pursuant to the Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its patients arising out of the rendering of professional services.

1058. Moneys received by the board pursuant to this article shall be used to carry out the purposes of this article.

SEC. 3. Section 13401 of the Corporations Code is amended to read:

13401. As used in this part:

(a) "Professional services" means any type of professional services which may be lawfully rendered only pursuant to a license, certification or registration authorized by the Business and Professions Code or the Chiropractic Act.

(b) "Professional corporation" means a corporation organized under the General Corporation Law which is engaged in rendering professional services in a single profession pursuant to a certificate of registration issued by the governmental agency regulating such profession as herein provided and which in its practice or business designates itself as a professional or other corporation as may be required by statute.

(c) "Licensed person" means any natural person who is duly licensed under the provisions of the Business and Professions Code or the Chiropractic Act to render the same professional services as are or will be rendered by the professional corporation of which he is or intends to become, an officer, director, shareholder or employee.

(d) "Disqualified person" means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the same professional services which the particular professional corporation of which he is an officer, director, shareholder or employee is or was rendering.

SEC. 4. Section 13404 of the Corporations Code is amended to read:

13404. A corporation may be formed under the General Corporation Law for the purposes of qualifying as a professional corporation in the manner provided in this part and rendering professional services. The articles of incorporation of a professional corporation shall contain a specific statement that the corporation is a professional corporation within the meaning of this part. No professional corporation shall render professional services in this state without a currently effective certificate of registration issued by the governmental agency regulating the profession in which such corporation is or proposes to be engaged, pursuant to the applicable provisions of the Business and Professions Code or the Chiropractic Act expressly authorizing such professional services to be rendered by a professional corporation.

SEC. 5. This act shall not become operative until July 1, 1971.

CHAPTER 1111

An act to add Article 11 (commencing with Section 800) to Chapter 1 of Division 2 of the Business and Professions Code, and to add an article heading immediately preceding Section 1400 of, and Article 2 (commencing with Section 1430) to Chapter 2 of Division 2 of, the Health and Safety Code, relating to malpractice actions.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 11 (commencing with Section 800) is added to Chapter 1 of Division 2 of the Business and Professions Code, to read:

Article 11. Malpractice Actions

800. Every insurer providing professional liability insurance to (a) a person who holds a license, certificate, or other similar authority issued under this division except a person licensed pursuant to Chapter 3 (commencing with Section 1200) of Division 2, and (b) a person licensed pursuant to the Osteopathic Act, an initiative measure of November 7, 1922, shall report periodically, but in no event less than once each year, to that agency within the department which issued

the license, certificate, or similar authority any final judgment over three thousand dollars (\$3,000) rendered against the person during the preceding year in, or settlement over three thousand dollars (\$3,000) during the preceding year of, a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of his professional services, or in the performance of his professional services without consent.

801. Notwithstanding any other provision of law, no insurer shall enter into a settlement exceeding three thousand dollars (\$3,000) to settle a claim or action arising from the personal injuries referred to in Section 800 without the written consent of the insured, except that this prohibition shall not void any settlement entered into without such written consent.

The requirement of written consent can only be waived by both the insured and the insurer.

The provisions of this section shall only apply to a settlement on a policy of insurance executed or renewed on or after the effective date of this section.

802 Each agency in the department receiving reports pursuant to Section 800 shall keep a record thereof.

Each such agency shall prepare a statistical report based upon such records for presentation to the Legislature not later than 30 days after the commencement of each regular session of the Legislature. The first report shall be presented during the 1972 Regular Session of the Legislature and shall include recommendations for corrective legislation if the department considers legislation to be necessary.

803 Each agency in the department shall notify every person licensed, certified, or holding similar authority issued by it, and the department shall notify every insurance company doing business in this state, of the provisions of this article.

Sec 2 An article heading is added immediately preceding Section 1400 of the Health and Safety Code, to read:

Article 1. Licensing

Sec. 3. Article 2 (commencing with Section 1430) is added to Chapter 2 of Division 2 of the Health and Safety Code, to read:

Article 2. Malpractice Actions

1430 Every insurer providing professional liability insurance to a hospital licensed pursuant to this chapter shall report periodically but in no event less than once each year, to the State Department of Public Health any final judgment over three thousand dollars (\$3,000) rendered against such hospital during the preceding year in, or settlement over three thousand dollars (\$3,000) during the preceding year of, a claim or action for damages for personal injuries caused by an error, omission, or negligence in the performance of its

professional services, or by the performance of its professional services without consent.

1431. Notwithstanding any other provision of law, no insurer shall enter into a settlement exceeding three thousand dollars (\$3,000) to settle a claim or action referred to in Section 1430 without the written consent of the insured, except that this prohibition shall not void any settlement entered into without such written consent.

The requirement of written consent can only be waived by both the insured and the insurer.

The provisions of this section shall only apply to a settlement on a policy of insurance executed or renewed on or after the effective date of this section.

1432. The State Department of Public Health shall keep a record of all reports made pursuant to Section 1430.

The department shall prepare a statistical report based upon such records for presentation to the Legislature not later than 30 days after the commencement of each regular session of the Legislature. The first report shall be presented during the 1972 Regular Session of the Legislature and shall include recommendations for corrective legislation if the department considers legislation to be necessary.

1433. The State Department of Public Health shall notify every hospital licensed pursuant to this chapter of the provisions of this article.

SEC 4. The provisions of this act shall become operative on January 1, 1971.

CHAPTER 1112

An act to add Section 597t to the Penal Code, relating to animals.

[Approved by Governor September 17, 1976. Filed with
Secretary of State September 15, 1976.]

The people of the State of California do enact as follows:

SECTION 1. Section 597t is added to the Penal Code, to read:

597t. Every person who keeps an animal confined in an enclosed area without providing the animal with an adequate exercise area and, if the animal is restricted by a leash, rope, or chain, a leash, rope, or chain which is affixed in such a manner that it will prevent the animal from becoming entangled or injured and permit the animal's access to adequate shelter, food, and water is guilty of a misdemeanor.

This section shall not apply to an animal which is in transit, in a vehicle, or in the immediate control of a person.

CHAPTER 1113

An act to add Article 9 (commencing with Section 5150) to Chapter 1 of Division 3 of the Business and Professions Code, relating to accountants.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 5150) is added to Chapter 1 of Division 3 of the Business and Professions Code, to read:

Article 9. Accountancy Corporations

5150. An accountancy corporation is a corporation which is registered with the State Board of Accountancy and has a currently effective certificate of registration from the board pursuant to the Moscone-Knox Professional Corporation Act, as contained in Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code, and this article. Subject to all applicable statutes, rules and regulations, such accountancy corporation is entitled to practice accountancy. With respect to an accountancy corporation, the governmental agency referred to in the Moscone-Knox Professional Corporation Act is the State Board of Accountancy.

5151. An applicant for registration as an accountancy corporation shall supply to the board all necessary and pertinent documents and information requested by the board concerning the applicant's plan of operation. The board may provide forms of application. If the board finds that the corporation is duly organized and existing pursuant to the General Corporation Law, that each officer, director, shareholder and, except as otherwise permitted under Section 5053, each employee who will render professional services is a licensed person as defined in the Moscone-Knox Professional Corporation Act, and that from the application it appears that the affairs of the corporation will be conducted in compliance with law and the rules and regulations of the board, the board shall upon payment of the registration fee in such amount as it may determine issue a certificate of registration. The application shall be signed and verified by an officer of the corporation.

5152. Each accountancy corporation shall file with the board at such times as the board may require a report containing such information pertaining to qualification and compliance with the statutes, rules and regulations of the board as the board may determine. The fee for filing such a report shall be fixed by the board. All reports shall be signed and verified by an officer of the corporation.

5153. The name of an accountancy corporation and any name or names under which it may be rendering professional

services shall contain and be restricted to the name or the last name of one or more of the present, prospective, or former shareholders, or of persons who were associated with a predecessor person, partnership, or other organization and whose name or names appeared in the name of such predecessor organization, and shall include either (1) the words "accountancy corporation" or (2) the word "accountant" or "accountants" and wording or abbreviations denoting corporate existence.

5154. Except as provided in Section 13403 of the Corporations Code, each director, shareholder, and officer of an accountancy corporation shall be a licensed person as defined in the Moscone-Knox Professional Corporation Act.

5155. The income of an accountancy corporation attributable to professional services rendered while a shareholder is a disqualified person (as defined in the Moscone-Knox Professional Corporation Act) shall not in any manner accrue to the benefit of such shareholder or his shares in the accountancy corporation.

5156. An accountancy corporation shall not do or fail to do any act the doing of which or the failure to do which would constitute unprofessional conduct under any statute, rule or regulation now or hereafter in effect. In the conduct of its practice, it shall observe and be bound by such statutes, rules and regulations to the same extent as a person holding a permit under Section 5070 of this code. The board shall have the same powers of suspension, revocation and discipline against an accountancy corporation as are now or hereafter authorized by Section 5100 of this code, or by any other similar statute against individual licensees, provided, however, that proceedings against an accountancy corporation shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

5157. The board may formulate and enforce rules and regulations to carry out the purposes and objectives of this article, including rules and regulations requiring (a) that the articles of incorporation or bylaws of an accountancy corporation shall include a provision whereby the capital stock of such corporation owned by a disqualified person (as defined in the Moscone-Knox Professional Corporation Act), or a deceased person, shall be sold to the corporation or to the remaining shareholders of such corporation within such time as such rules and regulations may provide, and (b) that an accountancy corporation as a condition of obtaining a certificate pursuant to the Moscone-Knox Professional Corporation Act and this article shall provide adequate security by insurance or otherwise for claims against it by its clients arising out of the rendering of professional services.

SEC. 2. This act shall be operative July 1, 1971.

CHAPTER 1114

An act to amend Sections 14403, 14500, 14502, 14800, 14803, 14850, 14852, 14903, 14905, 15101, 15400, 15600, 15601, and 15650 of, and to add Section 14008 to, the Financial Code, relating to credit unions.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 14008 is added to the Financial Code, to read:

14008. "Central credit union" means a credit union whose membership includes, but is not limited to, other credit unions, members of credit unions, credit union employees, employees of organizations serving credit unions, and the families of such members.

SEC. 2. Section 14403 of the Financial Code is amended to read:

14403. The board of directors of every credit union shall have the general management of the affairs, funds and records of the corporation. The board, with the written approval of the commissioner, may appoint an executive committee of no fewer than three directors, to serve at its pleasure, to act for it in the purchase and sale of securities, investment and withdrawal of funds, in borrowing funds and to make loans to other credit unions in accordance with the law and regulations.

SEC. 3. Section 14500 of the Financial Code is amended to read:

14500. Every credit union shall have a credit committee of at least three persons, each of whom shall be a member of the credit union. The bylaws of the credit union shall provide that either the members of the credit committee shall be elected by the members of the credit union at their annual meeting or they shall be appointed by the board of directors. The bylaws of the credit union shall provide for the terms of office, which shall not exceed three years, and which may be staggered.

SEC. 4. Section 14502 of the Financial Code is amended to read:

14502. No credit union shall make any loan or extension of credit without the written approval of a majority of the members of the credit committee. The credit committee may, with the approval of the board of directors, appoint one or more loan officers who shall be authorized to approve loan applications within the limits set by the credit committee, but in no event to exceed the sum of one thousand dollars (\$1 000) plus the unpledged shares of the borrower for any one loan if the paid-in and unimpaired capital and surplus of the credit union are less than five hundred thousand dollars (\$500 000). Loan officers of credit unions with paid-in and unimpaired capital and surplus of five hundred thousand dollars (\$500,000) or more may approve loan applications within the

limits set by the credit committee but in no event to exceed the sum of five thousand dollars (\$5,000) plus the unpledged shares of the borrower for any one loan. Such loan officer must be a member of the credit union and may but need not be, a member of the credit committee or an officer or director of the credit union. Such loan officers shall not also have the power to approve membership applications. The credit committee shall be provided with a record of each loan approved or not approved by any loan officer within seven (7) days of such approval or disapproval.

SEC. 5. Section 14800 of the Financial Code is amended to read:

14800. Every credit union may:

(a) Admit to membership, those persons qualified for membership, upon payment of an entrance fee or the purchase of a share in the credit union.

(b) Issue shares to any qualified member and issue such shares in joint tenancy to the member and any person designated by such member. If the shares are issued in joint tenancy with a member and any other person not a member, there shall be printed on the certificate or other evidence of shares, the words "Transferable only to qualified members."

(c) Charge a reasonable fee for the transfer of its shares.

SEC. 6. Section 14803 of the Financial Code is amended to read:

14803. (a) Every credit union may:

(1) Fine members for failure to meet punctually obligations to such credit union.

(2) Expel members as provided in Chapter 6 (commencing with Section 15400) of this division.

(3) Impress a lien upon the shares and dividends of any member to the extent of any loans made to him and for any dues or fines payable by him.

(4) Cancel the shares of any member who withdraws or is expelled, and apply the value of the shares to the liquidation of the member's indebtedness to the credit union.

(b) Each member shall keep the credit union informed of his current address. In the event a member fails to do this, a charge may be made to the member's share account for the actual cost of necessary locator service incurred in determining such an address; provided, however, that such charge shall not exceed five dollars (\$5). Such charge shall be made only for amounts paid to a person or concern normally engaged in providing such service and shall be made against the account or accounts of any one member no more than once in any 12-month period.

SEC. 7. Section 14850 of the Financial Code is amended to read:

14850. No credit union shall make any gift or donation unless such gift or donation is first approved by a resolution of the board of directors and approved by a vote of the majority of the members of the credit union, except that only the

approval of the board of directors is required in the case of a gift or donation where a credit union anticipates an immediate, direct and current pecuniary gain or where such gift or donation will further the credit union's purpose. Such gift or donation with the approval of the board of directors may be made in an amount not to exceed one hundred dollars (\$100) for each such purpose.

SEC. 8. Section 14852 of the Financial Code is amended to read:

14852 No credit union shall impose fines in case of failure of members to make payments on shares, loans or other accounts when due, in excess of 20 percent of interest due with a minimum of not less than five cents (\$0.05). Such fine may be made only once for each delinquent payment and may not exceed five dollars (\$5).

SEC. 9. Section 14903 of the Financial Code is amended to read:

14903. No credit union shall make any loan in excess of one thousand dollars (\$1,000) without security, except that credit unions with paid-in and unimpaired capital and surplus in excess of one hundred thousand dollars (\$100,000) may make a loan, without security, of 1 percent of paid-in and unimpaired capital and surplus or two thousand five hundred dollars (\$2,500), whichever is less.

SEC. 10. Section 14905 of the Financial Code is amended to read:

14905 Any loan in excess of five thousand dollars (\$5,000) shall be secured either (1) by real or personal property to the extent that the loan exceeds five thousand dollars (\$5,000), or (2) in the manner provided in subsections (b) and (c) of Section 14907 of this article.

SEC. 11. Section 15101 of the Financial Code is amended to read:

15101. The capital funds, undivided profits, and guaranty fund of any credit union may be deposited in any of the following:

(a) Savings banks, state banks, or trust companies, incorporated under the laws of this state.

(b) National banks located in this state.

(c) Securities authorized in Sections 1352 to 1366, inclusive, and in Section 1372.

(d) Shares or certificates for funds received or any form of evidence of interest or indebtedness issued by any credit union in this state, organized under the provisions of this division or the statutes of the United States relating to credit unions.

(e) Accounts with, investment certificates or withdrawable shares of, any savings and loan association doing business in this state and which is an insured institution as defined by Title IV of the National Housing Act; provided that the total sum invested by any credit union in any one savings and loan association pursuant to this section shall not exceed the greater of one-fourth of 1 percent of such savings and loan associa-

tion's total withdrawable accounts or the maximum amount of insurance on a single savings and loan account then provided by the Federal Savings and Loan Insurance Corporation of the United States under the provisions of subdivision (b) of Section 401 (subdivision (b) of 12 U.S.C. 1724) and subdivision (a) of Section 405 (subdivision (a) of 12 U.S.C. 1728) of Title IV of the National Housing Act.

(f) With the written approval of the commissioner, credit unions may invest in trusts organized solely for the purpose of investing in United States government securities; provided such trust is formed by an organization composed of credit unions described in subdivision (a) of Section 14805.5 or an organization of credit union associations.

SEC. 12. Section 15400 of the Financial Code is amended to read:

15400. The members of a credit union shall hold an annual meeting for the election of directors and a supervisory committee upon such notice and at such time and place as the bylaws provide.

SEC. 13. Section 15600 of the Financial Code is amended to read:

15600. Any credit union may, with the approval of the commissioner, and in accordance with such rules as the commissioner makes, merge with another credit union of like community interest in membership or with a central credit union, under the charter of such other credit union.

SEC. 14. Section 15601 of the Financial Code is amended to read:

15601. (a) The merger shall be made pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger, and approved by the affirmative vote of at least a majority of the members of each such credit union, in person or by proxy, at meetings of the members called for that purpose or by written consent of a majority of the members of each credit union.

(b) The commissioner may approve a merger according to the plan agreed upon by the majority of the board of directors of each credit union if approved by less than a majority of the entire membership as provided in this section if he finds, upon the written and verified application filed by the board of directors, that (1) notice of the meeting called to consider the merger was mailed to each member entitled to vote upon the question, (2) such notice disclosed the purpose of the meeting and properly informed the membership that approval of the merger might be sought pursuant to this section and (3) a majority of the votes cast upon the question were in favor of the merger.

SEC. 15. Section 15650 of the Financial Code is amended to read:

15650. (a) Whenever the members of the board of directors by a three-fourths majority vote recommend the dissolution of any credit union, the members of the credit union,

at any meeting specially called to consider the subject may elect to dissolve the credit union, by the vote or written consent of a majority of members.

(b) The commissioner may approve a dissolution according to the recommendation of a three-fourths majority vote by the board of directors of any credit union if approved by less than a majority of the entire membership as provided in this section if he finds, upon the written and verified application filed by the board of directors that (1) notice of the meeting called to consider the dissolution was mailed to each member entitled to vote upon the question, (2) such notice disclosed the purpose of the meeting and properly informed the membership that approval of the dissolution might be sought pursuant to this section and (3) a majority of the votes cast upon the question were in favor of the dissolution.

CHAPTER 1115

An act to amend Section 7261 of the Revenue and Taxation Code, relating to transactions tax.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7261 of the Revenue and Taxation Code is amended to read:

7261. The transactions tax portion of any transactions and use taxes ordinance adopted under this part shall be imposed for the privilege of selling tangible personal property at retail, and shall include provisions in substance as follows:

(a) A provision imposing a tax for the privilege of selling tangible personal property at retail upon every retailer in the district at a rate of one-half of 1 percent of the gross receipts of the retailer from the sale of all tangible personal property sold by him at retail in the district.

(b) Provisions identical to those contained in Part 1 (commencing with Section 6001) of this division, excepting Section 6376, insofar as they relate to sales taxes and are not inconsistent with this part, except that the name of the district as the taxing agency shall be substituted for that of the state and that an additional transactor's permit shall not be required if a seller's permit has been or is issued to the transactor under Section 6067 of this code.

(c) A provision that all amendments subsequent to the effective date of this part to Part 1 (commencing with Section 6001) of this division relating to sales tax and not inconsistent with this part shall automatically become a part of the trans-

actions and use taxes ordinance; provided, however, that no such amendment shall operate so as to affect the rate of tax imposed by the district's board.

(d) A provision that the amount subject to tax shall not include the amount of sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law, or the amount of any state administered transactions or use tax.

(e) A provision that sales of property to operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the county of sale are exempt from the tax.

(f) A provision that sales of property to be used outside the district which is shipped to a point outside the district, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point, are exempt from the tax.

For purposes of this section, "delivery" of vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Article 2 (commencing with Section 680) of Chapter 5 of Division 3 of the Harbors and Navigation Code shall be satisfied by registration to an out-of-district address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his principal place of residence.

"Delivery" of commercial vehicles shall be satisfied by registration to a place of business out of district and a declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

(g) A provision that the sale of tangible personal property is exempt from tax if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance. A lease of tangible personal property which is a continuing sale of such property is exempt from tax for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of the ordinance. For the purposes of this subdivision the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

SEC. 2. The Legislature finds and declares that because of the small geographical area covered by the transactions tax, the low rate and the temporary nature of the tax, and the difficult administrative problems which arise when exempting deliveries of tangible personal property within a sales and

use tax jurisdiction, the provisions of this act relating to delivery of certain commodities outside the area covered by the tax shall apply only to vehicles, planes and boats licensed or registered by the state. Therefore, it is the intent of the Legislature that provisions similar to this act are inappropriate for the state and local uniform sales and use tax acts.

SEC. 3. This act shall become operative on the first day of the first calendar quarter commencing more than 90 days after the effective date of this act or on January 1, 1971, whichever occurs first.

CHAPTER 1116

An act to add Article 16 (commencing with Section 429.50) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to population, public health, and environmental study.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Article 16 (commencing with Section 429.50) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 16. Population, Public Health, and Environmental Study

429.50. The State Department of Public Health may do all of the following activities:

(1) Make a continuing study of births, deaths, marriages, and divorce, in order to provide a continuing analysis of such trends to state agencies and to the Legislature.

(2) Request and receive demographic and population data from the Department of Finance.

(3) Make any additional collection of data necessary to describe and analyze fertility, family formation and dissolution, abortion practices, and other factors related to population dynamics, public health, and the environment.

(4) Assess the health, environmental, and related effects of current and projected population.

(5) Formulate recommendations for programs, consistent with individual rights and the integrity of the environment, to respond to projected trends.

429.51. The department may report to the Legislature, on the fifth calendar day of every second regular legislative session held following the effective date of this article, on its findings related to public health, the environment, and population trends and distribution, and may make recommendations concerning the consequences of projected growth and change pertinent to the planning and legislative concerns of the state.

CHAPTER 1117

An act to amend Section 8614 of, and to repeal Section 8616 of, the Business and Professions Code, relating to pest control.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 8614 of the Business and Professions Code is amended to read:

8614. Any person, whether or not a party to a real property transaction, has a right to request and, upon payment of the required fee, to obtain directly from the board a certified copy of all inspection reports and completion notices prepared and filed by any structural pest control operator during the preceding two years. Notice of this right shall be prominently disclosed on every inspection report and work completion notice executed after January 1, 1971.

SEC. 2. Section 8616 of the Business and Professions Code is repealed.

CHAPTER 1118

An act to amend Sections 10450.6 and 10472 and to add Section 10451.6 to the Business and Professions Code, relating to real estate, and making an appropriation therefor.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10450.6 of the Business and Professions Code is amended to read:

10450.6. One-fourth of the amount of any license fee collected by the commissioner under this part shall be paid into the Treasury of the state to the credit of the Real Estate Education, Research and Recovery Fund. All moneys credited to said fund shall be allocated 80 percent for education and research and 20 percent for carrying out the provisions of Article 3 (commencing with Section 10470) of Chapter 6 of this part.

SEC. 2. Section 10451.6 is added to the Business and Professions Code, to read:

10451.6. If the balance remaining in the Real Estate Education, Research and Recovery Fund and allocated for purposes other than recovery contains more than four hundred thousand dollars (\$400,000) the Real Estate Commissioner may authorize the transfer of all or part of such surplus amount to the Real Estate Fund.

SEC. 3. Section 10472 of the Business and Professions Code is amended to read:

10472. The court shall conduct a hearing upon such application 30 days after service of the application upon the Real Estate Commissioner. Upon petition of the Real Estate Commissioner, the court shall continue the hearing up to 60 days further; and upon a showing of good cause may continue the hearing for such further period as the court deems appropriate. At the hearing the aggrieved person shall be required to show:

(a) He is not a spouse of debtor, or the personal representative of such spouse.

(b) He has complied with all the requirements of this article.

(c) He has obtained a judgment as set out in Section 10471, stating the amount thereof and the amount owing thereon at the date of the application.

(d) He has obtained issuance of an order pursuant to Section 714 of the Code of Civil Procedure and examined the judgment debtor under oath concerning his property.

(e) He has made all reasonable searches and inquiries to ascertain whether the judgment debtor is possessed of real or personal property or other assets, liable to be sold or applied in satisfaction of the judgment.

(f) That by such search he has discovered no personal or real property or other assets liable to be sold or applied, or that he has discovered certain of them, describing them, owned by the judgment debtor and liable to be so applied, and that he has taken all necessary action and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized.

(g) That he has diligently pursued his remedies against all the judgment debtors and all other persons liable to him in the transaction for which he seeks recovery from the Real Estate Education, Research and Recovery Fund.

(h) That he is making said application no more than one year after the judgment becomes final

(i) That he has posted a bond to guarantee court costs, including reasonable attorney's fees, should his application be denied, in the amount of 10 percent of the recovery he seeks from the Real Estate Education, Research and Recovery Fund at least 20 days before the hearing upon his application.

CHAPTER 1119

An act to add Section 17537 to the Business and Professions Code, relating to unlawful advertising.

The people of the State of California do enact as follows:

SECTION 1. Section 17537 is added to the Business and Professions Code, to read:

17537. It is unlawful to notify any person by any means, as a part of an advertising plan or scheme, that he has won a prize and that as a condition of receiving such prize he must purchase or rent any other item.

CHAPTER 1120

An act to amend Section 69591 of the Government Code, relating to judges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 24 judges of the superior court. On and after July 1, 1971, there shall be 25 judges.

CHAPTER 1121

An act to add Section 17500.5 to the Business and Professions Code, relating to false or misleading advertising.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 17500.5 is added to the Business and Professions Code, to read:

17500.5 (a) It is unlawful for any person, firm, corporation or association to falsely represent by advertisement the quantity of any article so advertised that will be sold to any one customer on his demand in a single transaction, and willfully or negligently to fail to include in such advertisement a statement that any restriction that is in fact put upon the quantity of any article so advertised that is sold or offered for sale to any one customer on his demand in a single transaction.

(b) Any person, firm, corporation, or association who, by means of such false or negligent advertisement or publicity, induces any individual retail purchaser and consumer to enter any place of business designated therein seeking to buy any article so advertised or publicized, and then refuses to sell to such person the article at the price advertised in any quantity

then available for sale on said premises, shall be liable to each person so induced and refused, for the losses and expenses thereby incurred, and the sum of fifty dollars (\$50) in addition thereto.

(c) Nothing in this section shall affect any right a seller may have to refuse to extend credit to a customer, and this section shall not be applicable to a customer purchasing for resale

(d) The provisions of subdivision (b) are applicable only to actions brought in the name of, and on behalf of, a single plaintiff and shall not be applicable in multiple plaintiff or class actions.

CHAPTER 1122

An act to amend Section 2995.8 of the Business and Professions Code, relating to psychological corporations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2995.8 of the Business and Professions Code is amended to read:

2995.8. (a) The name of a psychological corporation shall include one of the words specified in subdivision (c) of Section 2902 and the word "corporation" or wording or abbreviations denoting corporate existence.

(b) When the applicant uses any name other than the name stated in its articles of incorporation, it must obtain a permit. Upon payment of the permit application fee in such reasonable amount as the committee may determine, the committee shall issue written permits authorizing the holder to use a name specified in the permit in connection with his or their practice if, and only if, the committee finds to its satisfaction that:

(1) The place or establishment, or the portion thereof, in which the applicant practices is owned or leased by the applicant, and the practice conducted at such place or establishment, or portion thereof, is wholly owned and entirely controlled by the applicant.

(2) All licensed persons practicing at the location designated in the application hold valid and outstanding licenses and that no charges of unprofessional conduct are pending against any person practicing at such location.

(c) Permits issued under this section by the committee shall expire and become invalid unless renewed upon payment of the permit renewal fee in such reasonable amount as the committee may determine at the times and in the manner provided in Article 7 (commencing with Section 2980) of this chapter for the renewal of certificates.

(d) Any permit issued under this section may be revoked or suspended at any time that the board finds that any one of the requirements for original issuance of a permit is no longer being fulfilled by the corporation to whom the permit was issued. Revocation or suspension shall be governed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) In the event charges of unprofessional conduct are filed against a member of a corporation to whom a permit has been issued under this section, proceedings shall not be commenced for revocation or suspension of the permit until final determination of such charges of unprofessional conduct and unless such charges have resulted in revocation of license.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

At the 1969 Regular Session of the Legislature, the Psychology Licensing Law was amended to permit formation of psychological corporations under the Moscone-Knox Professional Corporation Act. The names which may be used for such corporations are limited to the name or last name of one or more of present, prospective, or former shareholders. In order to permit such corporations to use a fictitious, false or assumed name at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 1123

An act to amend Section 1192.4 of, to add Section 1192.5 to, and to repeal Section 1192.3 of, the Penal Code, relating to pleas.

[Approved by Governor September 17, 1979. Filed with Secretary of State September 15, 1979.]

The people of the State of California do enact as follows:

SECTION 1. Section 1192.3 of the Penal Code is repealed.

SEC. 2. Section 1192.4 of the Penal Code is amended to read:

1192.4. If the defendant's plea of guilty pursuant to Section 1192.1 or 1192.2 is not accepted by the prosecuting attorney and approved by the court, the plea shall be deemed withdrawn and the defendant may then enter such plea or pleas as would otherwise have been available. The plea so withdrawn may not be received in evidence in any criminal, civil, or special action or proceeding of any nature, including proceedings before agencies, commissions, boards, and tribunals.

SEC. 3. Section 1192.5 is added to the Penal Code, to read:

1192.5. Upon a plea of guilty or nolo contendere to an information or indictment, the plea may specify the punishment

to the same extent as it may be specified by the jury on a plea of not guilty or fixed by the court on a plea of guilty, nolo contendere, or not guilty, and may specify the exercise by the court thereafter of other powers legally available to it.

Where such plea is accepted by the prosecuting attorney in open court and is approved by the court, the defendant, except as otherwise provided in this section, cannot be sentenced on such plea to a punishment more severe than that specified in the plea and the court may not proceed as to such plea other than as specified in the plea.

If the court approves of the plea, it shall inform the defendant prior to the making of the plea that (1) its approval is not binding, (2) it may, at the time set for the hearing on the application for probation or pronouncement of judgment, withdraw its approval in the light of further consideration of the matter, and (3) in such case, the defendant shall be permitted to withdraw his plea if he desires to do so. The court shall also cause an inquiry to be made of the defendant to satisfy itself that the plea is freely and voluntarily made, and that there is a factual basis for such plea.

If such plea is not accepted by the prosecuting attorney and approved by the court, the plea shall be deemed withdrawn and the defendant may then enter such plea or pleas as would otherwise have been available.

If such plea is withdrawn or deemed withdrawn, it may not be received in evidence in any criminal, civil, or special action or proceeding of any nature, including proceedings before agencies, commissions, boards, and tribunals.

CHAPTER 1124

An act to amend Section 74001 of the Government Code, relating to judges.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the North Orange County Municipal Court, eight; in the Central Orange County Municipal Court, eight; in the West Orange County Municipal Court, seven, and on and after May 1, 1971, there shall be eight, in the Orange County Harbor Municipal Court, three, and in the South Orange County Municipal Court, two.

CHAPTER 1125

An act to add Section 1228 to the Business and Professions Code, relating to clinical laboratory technology.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1228 is added to the Business and Professions Code, to read:

1228. The department shall appoint a multidisciplinary committee to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure proper administration and enforcement of the provisions of this chapter and to assist and advise the department in matters concerning examinations for licensees of this chapter. Appointments shall be made from lists of nominees solicited by the department and shall provide adequate and proper representation of all persons affected by this chapter. Subcommittees of the committee may be appointed consisting of committee members and consultants having particular knowledge in a subject area for the purpose of assisting the department on special administrative problems and in making recommendations to the committee for consideration in the establishment of rules and regulations. The terms of office of the members shall be determined by the department.

CHAPTER 1126

An act to amend Sections 1650, 1660, 1661, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1684, 1685, 1686, 1687, 1689, 1690, 1691, 1692, and 1693 of, to amend and renumber Sections 1683 and 1683.5 of, to add Sections 1653, 1656, 1695, 1696, and 1697 to, and to repeal Sections 1653 and 1682 of, the Code of Civil Procedure, relating to the Revised Uniform Reciprocal Enforcement of Support Act.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1650 of the Code of Civil Procedure is amended to read:

1650. This title is known and may be cited as the Revised Uniform Reciprocal Enforcement of Support Act of 1968.

SEC. 2. Section 1653 of the Code of Civil Procedure is repealed.

SEC. 3. Section 1653 is added to the Code of Civil Procedure, to read:

1653. As used in this title unless the context requires otherwise:

(a) "Court" means the superior court of this state and when the context requires means the court of any other state as defined in a substantially similar reciprocal law.

(b) "Duty of support" means a duty of support whether imposed or imposable by law or by order, decree, or judgment of any court whether interlocutory or final or whether incidental to a proceeding for dissolution of marriage, judgment of nullity, or for legal separation, or to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid.

(c) "Governor" includes any person performing the functions of Governor or the executive authority of any state covered by this title.

(d) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

(e) "Law" includes both common and statutory law.

(f) "Obligee" means a person including a state or political subdivision to whom a duty of support is owed or a person including a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

(g) "Obligor" means any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support is commenced.

(h) "Prosecuting attorney" means the public official in the appropriate place who has the duty to enforce criminal laws relating to the failure to provide for the support of any person.

(i) "Responding state" means a state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced. "Responding court" means the court in which the responsive proceeding is commenced.

(j) "State" includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law or procedure is in effect.

(k) "Support order" means any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

SEC. 4. Section 1656 is added to the Code of Civil Procedure, to read:

1656. If any provision of this title or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the title which can be given effect without the invalid provision

or application, and to this end the provisions of this title are severable.

SEC. 5. Section 1660 of the Code of Civil Procedure is amended to read:

1660. The Governor of this state may:

(1) Demand of the Governor of another state the surrender of a person found in that state who is charged criminally in this state with failing to provide for the support of any person, or

(2) Surrender on demand by the Governor of another state a person found in this state who is charged criminally in another state with failing to provide for the support of any person. Provisions for extradition of criminals not inconsistent with this title apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

SEC. 6. Section 1661 of the Code of Civil Procedure is amended to read:

1661. (a) Before making the demand on the Governor of another state for the surrender of a person charged criminally in this state with failing to provide for the support of any person, the Governor of this state may require any prosecuting attorney of this state to satisfy him that at least 60 days prior thereto the obligee brought an action for support under this title, or that the bringing of an action would be of no avail.

(b) If, under a substantially similar law, the Governor of another state makes a demand upon the Governor of this state for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the Governor may require any prosecuting attorney to investigate the demand and to report to him whether any action for support has been brought or would be effective. If it appears to the Governor that an action for support would be effective but has not been brought, he may delay honoring the demand for a reasonable time to permit the bringing of an action for support.

(c) If an action for support has been brought, and the person demanded has prevailed in that action, the Governor may decline to honor the demand. If the obligee prevailed therein and the person demanded is subject to a support order, the Governor may decline to honor the demand if the person demanded is complying with the support order.

SEC. 7. Section 1670 of the Code of Civil Procedure is amended to read:

1670. Duties of support applicable under this title are those imposed under the laws of any state where the obligor was present for the period during which support is sought. The

obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

SEC. 8. Section 1671 of the Code of Civil Procedure is amended to read:

1671. If a state or a political subdivision furnishes support to an individual obligee, it has the same right to initiate an action under this title as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

SEC. 9. Section 1672 of the Code of Civil Procedure is amended to read:

1672. All duties of support, including the duty to pay arrearages, are enforceable by an action under this title, including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

SEC. 10. Section 1673 of the Code of Civil Procedure is amended to read:

1673. (a) The complaint shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor and the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the complaint any information which may help in locating or identifying the obligor, including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, and his social security number.

(b) The complaint may be filed in the appropriate court of any state in which the obligee resides. The court shall not decline or refuse to accept and forward the complaint on the ground that it should be filed with some other court of this or any other state where there is pending a proceeding for dissolution of the marriage or for legal separation, or another action for divorce, separation, annulment dissolution, habeas corpus, adoption, or custody between the same parties, or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

SEC. 11. Section 1674 of the Code of Civil Procedure is amended to read:

1674. If this state is acting as an initiating state, the prosecuting attorney, upon the request of the court, shall represent the obligee in any proceeding under this title. If the prosecuting attorney neglects or refuses to represent the obligee, the Attorney General may order him to comply with the request of the court or may undertake the representation.

SEC. 12. Section 1675 of the Code of Civil Procedure is amended to read:

1675. A complaint on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

SEC. 13. Section 1676 of the Code of Civil Procedure is amended to read:

1676. If the initiating court finds that the complaint sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property, it shall so certify and cause three copies of the complaint and its certificate and one copy of this title to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

SEC. 14. Section 1677 of the Code of Civil Procedure is amended to read:

1677. An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee but it may direct that all fees and costs requested by the initiating court and incurred in this state when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor or by the county. These costs or fees do not have priority over amounts due to the obligee.

SEC. 15. Section 1678 of the Code of Civil Procedure is amended to read:

1678. If the court of this state believes that the obligor may flee, it may:

(1) As an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or

(2) As a responding court, obtain the body of the obligor by appropriate process.

Thereupon it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing.

SEC. 16. Section 1679 of the Code of Civil Procedure is amended to read:

1679. (a) The Attorney General is hereby designated as the state information agency under this title. He shall:

(1) Compile a list of the courts and their addresses in this state having jurisdiction under this title and transmit the

same to the state information agency of every other state which has adopted this or a substantially similar law. Upon the adjournment of each session of the Legislature, the Attorney General shall distribute copies of any amendments to this title and a statement of their effective dates to all other state information agencies.

(2) Maintain a register of such lists of courts received from other states and to transmit copies thereof promptly to every court in this state having jurisdiction under this title.

(3) Forward to the court in this state which has jurisdiction over the obligor or his property petitions, certificates, and copies of the act it receives from courts or information agencies of other states.

(b) If the state information agency does not know the location of the obligor or his property in the state and no state location service is available, it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices both state and federal where such offices are able to cooperate, and requests made to the Social Security Administration as permitted by the Social Security Act as amended.

SEC. 17. Section 1680 of the Code of Civil Procedure is amended to read:

1680. (a) After the responding court receives copies of the complaint, certificate and act from the initiating court the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(b) The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

(c) If the prosecuting attorney neglects or refuses to represent the obligee the Attorney General may order him to represent the obligee or may undertake the representation.

(d) The mandatory duty of the prosecuting official is limited to the enforcement of support becoming due on and after the date the reciprocal complaint is received in this state and arrearages accrued under a reciprocal order entered in this state or any other state. In his discretion he may enforce any other arrearages or he may recommend to the initiating state that other counsel be retained for this purpose.

SEC. 18. Section 1681 of the Code of Civil Procedure is amended to read:

1681. (a) The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and if because of inaccuracies in the petition or

otherwise the court cannot obtain jurisdiction, the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended complaint from the initiating court

(b) If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this state or in another state, he shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this title apply to the recipient of the documents so forwarded. If the clerk of a court of this state forwards documents to another court, he shall forthwith notify the initiating court.

(c) If the prosecuting attorney has no information as to the location of the obligor or his property, he shall so inform the initiating court.

SEC. 19. Section 1682 of the Code of Civil Procedure is repealed

SEC. 20. Section 1683 of the Code of Civil Procedure is amended and renumbered to read:

1682. If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this title shall require that payments be made to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

SEC. 21. Section 1683.5 of the Code of Civil Procedure is amended and renumbered to read:

1683. If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the complaint or offers evidence which constitutes a defense, the court, upon request of either party shall continue the case for further hearing and the submission of evidence by both parties either by deposition or personal appearance. The court

may designate the judge of the initiating court as a person before whom a deposition may be taken.

SEC. 22. Section 1684 of the Code of Civil Procedure is amended to read:

1684. The responding court shall cause a copy of all support orders to be sent to the initiating court.

SEC. 23. Section 1685 of the Code of Civil Procedure is amended to read:

1685. In addition to the foregoing powers, a responding court may subject the obligor to any terms and conditions proper to assure compliance with its orders and in particular to:

(1) Require the obligor to furnish a cash deposit or bond of a character and amount to assure payment of any amount due;

(2) Require the obligor to report personally and to make payments at specified intervals to the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose; and

(3) Punish under the power of contempt the obligor who violates any order of the court.

SEC. 24. Section 1686 of the Code of Civil Procedure is amended to read:

1686. A responding court has the following duties which may be carried out through the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose:

(1) To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise; and

(2) To furnish to the initiating court upon request a certified statement of all payments made by the obligor.

SEC. 25. Section 1687 of the Code of Civil Procedure is amended to read:

1687. An initiating court shall receive and disburse forthwith all payments made by the obligor or sent by the responding court. This duty may be carried out through the county clerk, probation officer, or other officer of the court or county officer designated by the court for such purpose.

SEC. 26. Section 1689 of the Code of Civil Procedure is amended to read:

1689. A support order made by a court of this state pursuant to this title does not nullify and is not nullified by a support order made by a court of this state pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar provision of law, regardless of priority of issuance unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this state.

SEC. 27. Section 1690 of the Code of Civil Procedure is amended to read:

1690. Participation in any proceeding under this title does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.

SEC. 28. Section 1691 of the Code of Civil Procedure is amended to read:

1691. A responding court shall not stay the proceeding or refuse a hearing under this title because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the complaint being heard the court must conform its support order to the amount allowed in the other action or proceeding. Thereafter the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

SEC. 29. Section 1692 of the Code of Civil Procedure is amended to read:

1692. This title applies if both the obligee and the obligor are in this state but in different counties. If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this state may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this state as a responding state.

SEC. 30. Section 1693 of the Code of Civil Procedure is amended to read:

1693. When the Attorney General is satisfied that reciprocal provisions will be made by any foreign jurisdiction for the enforcement therein of support orders made within this state, the Attorney General may declare the foreign jurisdiction to be a reciprocating state for the purpose of this act. Any such declaration may be revoked by the Attorney General.

Any such declaration by the Attorney General may be reviewed by the court in an action brought pursuant to this title.

SEC. 31. Section 1695 is added to the Code of Civil Procedure, to read:

1695. In any hearing for the civil enforcement of this title,

the court is governed by the rules of evidence applicable in a civil court action in the superior court. If the action is based on a support order issued by another court, a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses or modification available to a defendant in a proceeding to enforce a foreign support judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

SEC. 32. Section 1696 is added to the Code of Civil Procedure, to read:

1696. If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise, the court may adjourn the hearing until the paternity issue has been adjudicated.

SEC. 33. Section 1697 is added to the Code of Civil Procedure, to read:

1697. If the Attorney General is of the opinion that a support order is erroneous and presents a question of law warranting an appeal in the public interest, he may:

(a) Perfect an appeal to the proper appellate court if the support order was issued by a court of this state, or

(b) If the support order was issued in another state, cause the appeal to be taken in the other state. In either case expenses of appeal may be paid on his order from funds appropriated for his office.

CHAPTER 1127

An act to add Section 1230.1 to the Government Code, relating to absences of public employees.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 1230.1 is added to the Government Code, to read:

1230.1. Whenever any person who is an employee subject to the provisions of Section 1230 or an employee of the state, is served with a subpoena which compels his presence as a witness, unless he is a party or an expert witness, such employee shall be granted a leave of absence with pay in the amount of the difference between the employee's regular earnings and any amount he receives for such appearance.

This section shall not be applicable to appearances for which the employee receives compensation in excess of his regular earnings.

CHAPTER 1128

An act to amend Section 11512.1 of, and to add Sections 10120 and 10121 to, the Insurance Code, and to add Section 12532.7 to the Government Code, relating to insurance.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 10120 is added to the Insurance Code, to read:

10120. If a policy of disability insurance issued, issued for delivery, or renewed in this state after the effective date of this section provides in any manner for payment of all or part of the cost of a "sterilization operation or procedure" any exclusion, reduction, or limitation on such a benefit based upon the reason, or reasons, of the covered persons for requesting such sterilization shall be void and of no effect.

All disability policies issued, issued for delivery, or renewed in this state after effective date of this section shall be automatically construed to be in compliance with this section and need not be refiled or reprinted.

As used in this code, "sterilization operations or procedures" shall include and mean any operation or procedure altering the human body which has as its purpose, or one of its purposes, the temporary or permanent prevention of procreation by either a male or a female.

SEC. 2. Section 10121 is added to the Insurance Code, to read:

10121. (a) No self-insured employee welfare benefit plan, issued or renewed on or after the effective date of this section, which contains coverage for sterilization operations or procedures, shall impose any disclaimer, restriction on, or limitation of, coverage relative to the covered individual's reason for sterilization. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(b) As used in subdivision (a), "self-insured employee welfare benefit plan" means any plan or program of benefits provided by an employer or an employee organization, or both, for the purpose of providing hospital, medical, surgical, nursing, or dental services, or indemnification for the costs incurred for such services, to such employer's employees or their dependents

SEC. 3. Section 11512.1 of the Insurance Code is amended to read:

11512.1 (a) Family hospital service contracts may be issued to a family consisting of an individual and one or more

persons dependent upon him and may include his spouse whether or not dependent upon him. Such contracts shall contain a provision to the effect that to the family originally covered may be added from time to time all new members of the family group eligible for coverage and that the head of the family shall give the corporation notice of the addition to the family of any person eligible for coverage under the contracts.

(b) No such contract which contains coverage for sterilization operations or procedures may be entered into or renewed on or after the effective date of the amendments to this section enacted at the 1970 Regular Session if it imposes any disclaimer, restriction on, or limitation of coverage relative to the insured's reason for sterilization. All such contracts entered into or renewed on or after the effective date of such amendments shall be construed to be in compliance with this section and any provision in any such contract which is in conflict with this section shall be of no force or effect.

SEC. 4. Section 125327 is added to the Government Code, to read,

125327. No health care service plan entered into or renewed on or after the effective date of this section which contains coverage, whether by specific benefit or by the effect of general wording for sterilization operations or procedures shall impose any disclaimer, restriction on, or limitation of coverage relative to the covered individual's reason for sterilization. All such plans entered into or renewed on or after the effective date of this section shall be construed to be in compliance with this section and any provision in any such plan which is in conflict with this section shall be of no force or effect.

As used in this section, "sterilization operations or procedures" shall have the same meaning as that specified in Section 10120 of the Insurance Code.

CHAPTER 1129

An act to amend Sections 654, 5225, 5227, 5230, 56515, and the heading of Article 3 (commencing with Section 5225) of Chapter 2 of Part 1 of Division 5 of, and to add Sections 708 and 5619 to, the Welfare and Institutions Code, relating to involuntary detention proceedings.

[Approved by Governor September 17, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 708 is added to the Welfare and Institutions Code, to read:

708. Whenever a minor who appears to be a danger to himself or others as a result of the use of narcotics (as defined in Section 11001 of the Health and Safety Code), or a restricted

dangerous drug (as defined in Section 11901 of the Health and Safety Code), is brought before any judge of the juvenile court, the judge may continue the hearing and proceed pursuant to this section. The court may order the minor taken to a facility designated by the county and approved by the Department of Mental Hygiene as a facility for 72-hour treatment and evaluation. Thereupon the provisions of Section 11922 of the Health and Safety Code shall apply, except that the professional person in charge of the facility shall make a written report to the court concerning the results of the evaluation of the minor.

If the professional person in charge of the facility for 72-hour evaluation and treatment reports to the juvenile court that the minor is not a danger to himself or others as a result of the use of narcotics or restricted dangerous drugs or that the minor does not require 14-day intensive treatment, or if the minor has been certified for not more than 14 days of intensive treatment and the certification is terminated, the minor shall be released if the juvenile court proceedings have been dismissed; referred for further care and treatment on a voluntary basis, subject to the disposition of the juvenile court proceedings; or returned to the juvenile court, in which event the court shall proceed with the case pursuant to this chapter.

Any expenditure for the evaluation or intensive treatment of a minor under this section shall be considered an expenditure made under Part 2 (commencing with Section 5600) of Division 5, and shall be reimbursed by the state as are other local expenditures pursuant to that part.

SEC. 2. Section 654 of the Welfare and Institutions Code is amended to read:

654. In any case in which a probation officer, after investigation of an application for petition or other investigation he is authorized to make, concludes that a minor is within the jurisdiction of the juvenile court or will probably soon be within such jurisdiction, he may, in lieu of filing a petition, and with consent of the minor's parent or guardian, undertake a program of supervision of the minor, for not to exceed six months, and attempt thereby to adjust the situation which brings the minor within the jurisdiction of the court or creates the probability that he will soon be within such jurisdiction. Nothing in this section shall be construed to prevent the probation officer from filing a petition at any time within said six-month period.

The program of supervision of the minor undertaken pursuant to this section may call for the minor to obtain care and treatment for the misuse of restricted dangerous drugs or addiction to narcotics from a county mental health service or other appropriate community agency.

SEC. 3. The heading of Article 3 (commencing with Section 5225) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code is amended to read:

Article 3. Court-Ordered Evaluation for Persons Impaired by Chronic Alcoholism or Drug Abuse

SEC. 4. Section 5225 of the Welfare and Institutions Code is amended to read:

5225. Whenever a criminal defendant who appears, as a result of chronic alcoholism or the use of narcotics or restricted dangerous drugs, to be a danger to others, to himself, or to be gravely disabled, is brought before any judge, the judge may order the defendant's evaluation under conditions set forth in this article, provided evaluation services designated in the county plan pursuant to Section 5654.5 are available. If such a defendant is brought before the judge of a justice court, the judge may have the defendant transferred to the superior court for such an order.

SEC. 5. Section 5227 of the Welfare and Institutions Code is amended to read:

5227. The order for evaluation shall be in substantially the following form:

In the _____ Court of the State of California for the
County of _____

The People of the State of California Concerning _____ _____ Respondents	and	No. _____ Order for Evaluation
--	-----	---

The People of the State of California to _____

(Professional person in charge of the facility providing
evaluation)

_____ has appeared before me and appears to be, as a result of _____ (chronic alcoholism, the use of narcotics, or the use of restricted dangerous drugs), a danger to himself, or others, or gravely disabled.

Now, therefore, you are directed to evaluate _____ at
_____ on the _____ day of _____, 19____, at __ o'clock
__m.

Witness my hand, this _____ day of _____, 19____.

Judge of the _____ Court

Return of Order

I hereby certify that I received the above order for the evaluation of _____ and on the _____ day of _____, 19____, personally served a copy of the order and of the petition on

the professional person in charge of the -----, a facility for treatment and evaluation, or his designee.

Dated: -----, 19---

Signature and title

SEC. 6. Section 5230 of the Welfare and Institutions Code is amended to read:

5230. If, upon evaluation, the person is found to be in need of treatment because he is, as a result of impairment by chronic alcoholism or the use of narcotics or restricted dangerous drugs, a danger to others, or to himself, or is gravely disabled, he may be detained for treatment in a facility for 72-hour treatment and evaluation. Except as provided in this section, he shall in no event be detained longer than 72 hours from the time of evaluation or detention for evaluation, excluding Saturdays, Sundays and holidays if treatment services are not available on those days.

Persons who have been detained for evaluation and treatment shall be released if the criminal charge has been dismissed; released to the custody of the sheriff or continue to be detained pursuant to court order under Section 5226.1; referred for further care and treatment on a voluntary basis, subject to the disposition of the criminal action; certified for intensive treatment; or recommended for conservatorship pursuant to this part, subject to the disposition of the criminal charge; as required.

SEC. 7. Section 5619 is added to the Welfare and Institutions Code, to read:

5619. A county mental health service may provide for the care and treatment of juveniles, including those who are determined by the juvenile court to be in need of care and treatment as a result of misuse of dangerous drugs or addiction to narcotics.

SEC. 8. Section 5654.5 of the Welfare and Institutions Code is amended to read:

5654.5. The county may elect to provide evaluation and treatment services for persons who are dangerous to themselves or others as a result of the use of narcotics or restricted dangerous drugs, or for persons who are impaired by chronic alcoholism who are criminal defendants receiving services pursuant to Article 3 (commencing with Section 5225) of Chapter 2 of Part 1 of this division, or who are voluntary patients. The county Short-Doyle plan shall designate the specific facility or facilities for evaluation and treatment of such persons who are criminal defendants, or who are voluntary patients, and shall specify the maximum number of patients that can be served at one time by each such facility.

CHAPTER 1130

An act to add Sections 11715.9 and 11901.1 to the Health and Safety Code, relating to probation of persons convicted of possession of drugs or narcotics.

[Approved by Governor September 15, 1970. Filed with Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 11715.9 is added to the Health and Safety Code, to read:

11715.9. Whenever any person is granted probation by the trial court after conviction for possession of any narcotic, such trial court shall, as a condition of probation, order such person to secure education or treatment from a local community agency designated by such court, if such service is available and the person is likely to benefit from the service.

If such defendant is a minor, the trial court shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

If a minor is found by a juvenile court to have been in possession of any narcotic, in addition to any other order it may make, such juvenile court shall order the minor to receive education or treatment from a local community agency designated by such court if such service is available and the person is likely to benefit from the service, and it shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

SEC. 2. Section 11901.1 is added to the Health and Safety Code, to read:

11901.1. Whenever any person is granted probation by the trial court after conviction for possession of any restricted dangerous drug, such trial court shall, as a condition of probation, order such person to secure education or treatment from a local community agency designated by such court, if such service is available and the person is likely to benefit from the service.

If such defendant is a minor, the trial court shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

If a minor is found by a juvenile court to have been in possession of any restricted dangerous drug, in addition to any other order it may make, such juvenile court shall order the minor to receive education or treatment from the a local community agency designated by such court, if such service is available and the person is likely to benefit from the service, and it shall also order his parents or guardian to participate in such education or treatment to the extent the court determines will aid the education or treatment of the minor.

CHAPTER 1131

An act to add Section 69749.3 to the Government Code, relating to courts.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 69749.3 is added to the Government Code, to read:

69749.3. Notwithstanding the provisions of this article, sessions of the superior court in Riverside County may be held in Palm Springs at such times as may be prescribed by the judges sitting pursuant to Section 69748.1.

CHAPTER 1132

An act to add Section 7273 to the Government Code, relating to city street relocation assistance.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 7273 is added to the Government Code, to read:

7273. Funds received pursuant to Sections 2106 and 2107 of the Streets and Highways Code may be expended by a city to compensate displaced persons for their moving expenses because of the construction of city highways or streets.

CHAPTER 1133

An act to amend Sections 2710 and 2801 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 2710 of the Unemployment Insurance Code is amended to read:

2710. Claims for the benefits provided in Section 2801 shall be made in accordance with authorized regulations and shall be supported by a certificate signed by the physician of the claimant or by a practitioner duly authorized by any bona fide church, sect, denomination or organization whose principles or teachings call for dependence for healing entirely

upon prayer or spiritual means stating the date the physician or duly authorized practitioner ordered the confinement and the duration of such confinement. With respect to any eligible claimant who is hospitalized in a county hospital in this state or is hospitalized by said county hospital in another hospital, a certificate stating the date that the physician ordered the confinement of the claimant and the duration of such confinement signed by the registrar of the hospital shall satisfy the requirements of this section. With respect to any eligible claimant who is hospitalized pursuant to court order or physician's or health officer's certificate, a statement from the superintendent or registrar of the hospital stating the dates of such confinement shall satisfy the requirements of this section.

SEC. 2. Section 2801 of the Unemployment Insurance Code is amended to read:

2801. During confinement in a hospital, an individual eligible for benefits under this part is entitled to receive in addition to all benefits otherwise provided in this division and irrespective of his receipt of remuneration from his employer, the amount of twelve dollars (\$12) for each day not in excess of 20 days in any one disability benefit period, during which he is so confined pursuant to orders of his physician or of a practitioner duly authorized by any bona fide church, sect, denomination or organization whose principles or teachings call for dependence for healing entirely upon prayer or spiritual means.

For the purposes of this part, "hospital" includes those institutions operated as hospitals but exempt from licensing by the State Department of Public Health under the provisions of subdivision (c) of Section 1415 of the Health and Safety Code.

SEC. 3. The provisions of Sections 2710 and 2801 of the Unemployment Insurance Code as amended by this act, shall be operative with respect to periods of disability commencing on and after January 1, 1971.

CHAPTER 1134

An act to add Section 4215 and repeal Section 4215 of the Government Code, relating to public work and public purchases.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 4215 of the Government Code is repealed.

SEC. 2. Section 4215 is added to the Government Code, to read:

4215. In any contract to which a public agency as defined in Section 4401 is a party, the public agency shall assume the

responsibility, between the parties to the contract, for the removal, relocation, or protection of existing utilities located on the site of any construction project that is a subject of the contract, if such utilities are not identified by the public agency in the plans and specifications made a part of the invitation for bids. The contract documents shall include provisions that the contractor shall not be assessed liquidated damages for delay in completion of the project, when such delay was caused by the failure of the public agency or the owner of the utility to provide for removal or relocation of the existing utility facilities.

Nothing herein shall preclude the public agency from pursuing any appropriate remedy against the utility for delays which are the responsibility of the utility.

Nothing herein shall be construed to relieve the utility from any obligation as required either by law or by contract to pay the cost of removal or relocation of existing utility facilities.

If the contractor while performing the contract discovers utility facilities not identified by the public agency in the contract plans or specifications, he shall immediately notify the public agency in writing.

CHAPTER 1135

An act to amend Section 6359.3 of the Revenue and Taxation Code, relating to sales and use taxes, to take effect immediately, tax levy.

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 6359.3 of the Revenue and Taxation Code is amended to read:

6359.3. (a) Any nonprofit organization whose primary purpose is to promote good citizenship in boys or girls by creating in them a spirit of civic duty and usefulness to others, and by stimulating their interest in wholesome, mental, moral, industrial and physical activities, is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to, candy or other confectionery which it sells, where the profits are used solely and exclusively in furtherance of such purpose. Such an organization includes, but is not limited to, the Boy Scouts, the Cub Scouts, the Girl Scouts, the Camp Fire Girls, the Young Men's Christian Association and the Young Women's Christian Association.

(b) Any nonprofit veterans' organization is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to flags of the United States of America which it sells, where the profits are used solely and exclusively in furtherance of the purposes of the nonprofit organization.

(c) Any national nonprofit organization or local nonprofit affiliate thereof:

(1) Which has secured an Internal Revenue Code or California Bank and Corporation Tax Law income tax exemption;

(2) Which has as its primary purpose the promotion of health and the saving of human lives by providing services and equipment to patients; and

(3) Which finances more than 35 percent of its prior year's operating budget from an annual sale of candy or other confectionery products;

shall not be considered a retailer within the provisions of this part with respect to such candy or confectionery products which it sells, where the profits are used solely and exclusively in furtherance of such purpose.

SEC. 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect.

SEC. 3. This act shall not be operative until October 1, 1970.

CHAPTER 1136

*An act to add Section 75034.1 to the Government Code,
relating to the Judges' Retirement System.*

[Approved by Governor September 15, 1970. Filed with
Secretary of State September 15, 1970.]

The people of the State of California do enact as follows:

SECTION 1. Section 75034.1 is added to the Government Code, to read:

75034.1. The surviving spouse of a judge who qualifies, as prescribed in Section 75034, to receive the benefits accorded by that section and who dies during retirement shall receive, until death or remarriage, an allowance equal to 37½ percent of the retirement allowance that would be payable to the judge were he living and receiving the benefits accorded by Section 75034.